



UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable Jennifer E. Niemann  
Hearing Date: Thursday, March 26, 2026  
Department A – Courtroom #11  
Fresno, California

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Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at Courtroom #11, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

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

## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

**THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

1. [25-13205](#)-A-13     **IN RE: ROSALINDA/FRANK TERRONES**  
[LGT-2](#)

MOTION TO DISMISS CASE  
2-20-2026   [\[36\]](#)

LILIAN TSANG/MV  
THOMAS MOORE/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:       This matter will proceed as scheduled.

DISPOSITION:           Continue to April 16, 2026 at 9:30 a.m.

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

The trustee's motion to dismiss will be continued to April 16, 2026 at  
9:30 a.m. to be heard with the hearing on the debtors' motion to confirm  
modified plan (TAM-1). Doc. ##42-46.

2. [26-10305](#)-A-13     **IN RE: KELLI CRAWFORD**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
3-3-2026   [\[32\]](#)  
DISMISSED 3/13/2026

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

DISPOSITION:         Dropped as moot.

NO ORDER REQUIRED.

An order dismissing the case was entered on March 13, 2026. Doc. #42. The order  
to show cause will be dropped as moot. No appearance is necessary.

3. [24-11206](#)-A-13     **IN RE: MICHAEL/ANNIE RICHMOND**  
[NES-1](#)

MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ, DEBTORS ATTORNEY(S)  
2-11-2026   [\[38\]](#)

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 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.

As a procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). The moving party used the same Docket Control Number ("DCN") for this motion that was used for a prior motion to confirm plan in violation of LBR 9014-1(c)(4). Compare Doc. #17 with Doc. #38. A new DCN should have been used for this motion. 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.

Neil E. Schwartz ("Movant"), counsel for Michael Barinell Richmond and Annie Laura Richmond (together, "Debtors"), the debtors in this chapter 13 case, requests interim allowance of compensation in the amount of \$6,877.50 and reimbursement for expenses in the amount of \$266.00 for services rendered from April 23, 2024 through February 11, 2026. Doc. #38. Debtors' confirmed plan provides, in addition to \$1,687.00 paid prior to filing the case, for \$15,000.00 in attorney's fees to be paid through the plan. Plan, Doc. #3. No prior fee application has been filed. Debtors consent to the amount requested in Movant's application. Doc. #38.

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) prepetition consultation with Debtors and fact gathering; (2) preparing voluntary petition, schedules and related forms and amendments thereto; (3) preparing for and attending 341 meeting of creditors; (4) preparing and prosecuting Debtors' chapter 13 plan; (5) preparing the fee application; and (6) general case administration. Ex. B, Doc. #40. 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 \$6,877.50 and reimbursement for expenses in the amount of \$266.00 to be paid in a manner consistent with the terms of the confirmed plan.

4. [25-13916](#)-A-13     **IN RE: DARCIE KEITH**  
[LGT-1](#)

MOTION TO DISMISS CASE  
2-11-2026    [[21](#)]

LILIAN TSANG/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
CONVERTED 3/25/26 ECF. #28

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

DISPOSITION:     Denied as moot.

ORDER:            The court will issue an order.

A notice of voluntary conversion was filed on March 25, 2026. Doc. #28.  
Therefore, this motion will be DENIED AS MOOT.

5. [25-11219](#)-A-13     **IN RE: LEMUEL JOHNSON**

CONTINUED NOTICE OF DEFAULT AND MOTION TO DISMISS CASE FOR FAILURE TO  
MAKE PLAN PAYMENTS  
2-5-2026    [[30](#)]

JOSHUA STERNBERG/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

6. [26-10122](#)-A-13     **IN RE: MICHAEL JONES**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
2-25-2026    [[13](#)]

RABIN POURNAZARIAN/ATTY. FOR DBT.  
WITHDRAWN

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

DISPOSITION:     Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection on March 16, 2026. Doc. #19.

7. [25-10327](#)-A-13     **IN RE: MICHAEL LOPEZ**  
[RSW-2](#)

CONTINUED MOTION TO MODIFY PLAN  
2-12-2026    [[42](#)]

MICHAEL LOPEZ/MV  
ROBERT WILLIAMS/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.

8. [26-10127](#)-A-13     **IN RE: ESTEVAN/DIANA PEREZ**  
[DS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY AMERIHOM MORTGAGE COMPANY LLC  
2-10-2026    [[23](#)]

AMERIHOM MORTGAGE COMPANY LLC/MV  
BENNY BARCO/ATTY. FOR DBT.  
DANIEL SINGER/ATTY. FOR MV.

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

DISPOSITION:        Continued to May 7, 2026 at 9:30 a.m.

ORDER:               The court will issue an order.

Estevan M. Perez and Diana Perez (together, "Debtors") filed a voluntary petition under chapter 13 on January 15, 2026 as well as a chapter 13 plan ("Plan") on January 26, 2026. Doc. ##1, 10. Amerihome Mortgage Company, LLC ("Creditor") objects to confirmation of the Plan because the Plan provides for an arrear amount less than the arrear amount set forth in Creditor's proof of

claim. Doc. #23; Claim 17. The Plan lists arrears at \$18,739.82, and the proof of claim lists arrears at \$21,849.37, an increase of \$3,109.55. Plan, Doc. #10; Claim 17.

Federal Rule of Bankruptcy Procedure 3001(f) provides that “[a] proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim.” 11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof of claim filed under section 501, is deemed allowed unless a party in interest objects. Creditor filed its proof of claim on March 6, 2026. Claim 17.

Section 3.02 of the Plan provides that the proof of claim determines the amount and classification of a claim. Doc. #10. However, because the arrear amount set forth in the proof of claim is \$3,109.55 more than the arrear amount provided for in the Plan, the Plan payments would need to increase in order for the Plan to fund in the 60 month plan term, which does not appear to be feasible based on Debtors’ Schedules I and J. The proposed plan payments are \$8,920.97, and Debtors’ net monthly income according to Schedules I and J is \$8,922.61. Schedules I & J, Doc. #9; Plan, Doc. #10. Based on the pleadings filed with the court, it appears Debtors do not have sufficient excess income to increase the Plan payments by the amount necessary to pay the additional arrear amount over the term of the Plan.

This objection will be continued to May 7, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor’s objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than April 23, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors’ position. Creditor shall file and serve a reply, if any, by April 30, 2026.

If Debtors elect 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 30, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor’s objection without a further hearing.

9. [25-13930](#)-A-13     **IN RE: MINERVA MARTINEZ**  
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE  
2-5-2026    [\[18\]](#)

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

NO RULING.

10. [26-10133](#)-A-13     **IN RE: VIRGIL/SUZANNE TUMANENG**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
2-25-2026    [[14](#)]

MARK NELSON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                   Continued to May 7, 2026 at 9:30 a.m.

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

Virgil Sideco Tumaneng and Suzanne Christine Tumaneng (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on January 15, 2026. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) Debtors' Plan payments are delinquent in the amount of \$655.00 with an additional payment coming due on March 25, 2026, and (2) the meeting of creditors has not yet concluded. Doc. #14. Debtors' 341 meeting of creditors was continued to April 23, 2026 at 10:00 a.m. See court docket entry entered on February 24, 2026.

On March 12, 2026, Debtors responded to Trustee's objection to confirmation stating that debtor Virgil Sideco Tumaneng had a heart attack and was moved to San Francisco for triple bypass surgery, which has caused Debtors' failure to appear at the meeting of creditors and to become delinquent in their Plan payments. Doc. #17. Debtors state they are in the process of applying for disability pay and FMLA but neither Debtor has yet to receive any benefits. Id.

Based on Debtors' response to Trustee's objection, the court is inclined to continue the hearing on this objection to May 7, 2026 at 9:30 a.m. to be heard after Debtors' continued \$ 341 meeting of creditors.

11. [26-10137](#)-A-13     **IN RE: BRAYAN MARQUEZ**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
2-26-2026    [[12](#)]

LILIAN TSANG/MV  
MATTHEW GRECH/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Sustained.

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

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

and sustain the objection. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Bryan Alexis Marquez ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on January 16, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because, among other issues, the Plan improperly classifies Travis Credit Union's claim. Doc. #12. Specifically, the Plan places Travis Credit Union in Class 4, which is for claims that mature after the completion of this Plan, are not in default, and are not modified by this Plan. Plan, Doc. #3. On February 3, 2026, Travis Credit Union filed a proof of claim asserting that the secured loan matures on March 1, 2029, which is during the term of the Plan. Claim 4.

Since Travis Credit Union cannot be placed in Class 4 if its loan matures during the term of the Plan, Travis Credit Union must be placed in a different class, which requires the filing of a new chapter 13 plan and the noticing of a motion to confirm that plan. Because a new plan must be filed to resolve this objection, the court is inclined to sustain the objection and deny confirmation rather than continue the hearing on Trustee's objection to confirmation to allow a response from Debtor.

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

12. [25-14243](#)-A-13     **IN RE: PABLO CHAVEZ**  
[TRF-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-20-2026    [\[41\]](#)

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

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Granted as to (d)(1) only.

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 originally filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice 9014-1(f)(2) and will proceed as scheduled. Though not required, the debtor filed written opposition on March 3, 2026, although the debtor did not file any declaration in support of his opposition. Doc. #58. At the initial hearing on the motion held on March 12, 2026, the court continued the hearing to allow the debtor to become current in his plan payments and to file a new plan to provide adequate protection payments to the moving party prior to confirmation of the debtor's chapter 13 plan. Court Audio, Doc. #69. No modified chapter 13 plan has been filed.

The movant, Superior Loan Servicing as servicing agent for secured creditor WE Alliance Secured Income Fund, LLC ("Movant"), seeks relief from the

automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to enforce remedies in accordance with applicable non-bankruptcy law against debtor Pablo Gonzales Chavez ("Debtor") with respect to real property located at 10300 Sharktooth Peak Dr., Bakersfield, California 93311 ("Property"). Doc. #41. Movant has possession of a promissory note secured by a deed of trust with respect to the Property executed by Debtor in exchange for a business purpose loan ("Loan"). Ex. 1, Doc. #44; Decl. of Terry Wheeler, Doc. #43. The Loan is in default and is now due and payable in full. Wheeler Decl., Doc. #43.

### **Judicial Notice**

As an initial matter, Movant asks this court to take judicial notice of certain public records and filings submitted by Movant as a request for judicial notice to support Movant's position and assertions in the motion for relief from the automatic stay. Doc. ##46, 47. Here, Movant requests the following documents which the motion specifically refers to and are not in dispute:

- (1) Deed of Trust recorded on July 28, 2022, in the Kern County Recorder's Office, as Document No. 222115817;
- (2) Notice of Default recorded on December 13, 2024, in the Kern County Recorder's Office, as Document No. 224155545;
- (3) Notice of Trustee's Sale recorded on March 21, 2025, in the Santa Clara County Recorder's Office, as Document No. 225030757;
- (4) Voluntary Petition for Individuals Filing for Bankruptcy, filed on April 21, 2025, in the United States Bankruptcy Court for the Eastern District of California, Case No. 25-11213;
- (5) Amended Chapter 13 Plan filed on September 15, 2025, in the United States Bankruptcy Court for the Eastern District of California, Case No. 25-11213; and
- (6) Order filed on November 25, 2025, in the United States Bankruptcy Court for the Eastern District of California, Case No. 25-11213.

Doc. ##46, 47. This court may take judicial notice of and consider the records in this bankruptcy case, filings in other court proceedings, and public records. Fed. R. Evid. 201; Bank of Am., N.A. v. CD-04, Inc. (In re Owner Mgmt. Serv., LLC), 530 B.R. 711, 717 (Bankr. C.D. Cal. 2015).

### **11 U.S.C. § 362(c)(3)(A) Analysis**

Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case.

Debtor filed this case on December 23, 2025. Petition, Doc. #1. Debtor's motion to extend the automatic stay was denied because Debtor did not meet his burden of rebutting the presumption by clear and convincing evidence that the current case was not filed in good faith. Order, Doc. #33. Therefore, the automatic stay terminated in the present case on January 22, 2026 with respect to the debtor and property of the debtor but did not terminate with respect to the estate or property of the estate. 11 U.S.C. § 362(c)(3)(A); In re Thu Thi Dao, 616 B.R. 103, 104 (Bankr. E.D. Cal. 2020) (Klein, J.).

### **Analysis under 11 U.S.C. § 362(d)(1)**

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).

Debtor scheduled Movant's secured claim at \$454,286.15. Schedule D, Doc. #1. Movant asserts its claim is \$543,522.48, which excludes interests and legal expenses. Wheeler Decl., Doc. #43. Movant further asserts Debtor has not provided adequate protection payments and has failed to insure the Property as required by the deed of trust. Id.

In Debtor's response to this motion, Debtor asserts there is insufficient cause to grant the relief from stay because Debtor has classified Movant's claim in Class 2 in his chapter 13 plan ("Plan"), which provides adequate protection payments through the Plan. Doc. #58. Debtor also asserts that the Property is essential to Debtor's reorganization, and that a lapse of insurance on the Property is a curable issue. Id.

While Debtor asserts the Plan provides for payment of Movant's claim, a review of the bankruptcy case docket shows that Debtor's proposed Plan is not confirmed because there are two outstanding objections to confirmation of the Plan, and the hearings on those objections have been continued to April 2, 2026 to be heard with Trustee's motion to dismiss this case. See Order, Doc. #53; Order, Doc. #54; Doc. #60. Further, Debtor's proposed plan does not permit Trustee to make adequate protection payments to Movant prior to confirmation of Debtor's plan. Plan, Doc. #3.

Even if Trustee could make adequate protection payments to Movant prior to confirmation of the Plan, Trustee has asserted in her motion to dismiss, among other things, that Debtor is delinquent in Plan payments. Doc. #60. Trustee has reconfirmed Debtor's delinquency in Plan payments in her supplemental objection to confirmation of the Plan filed on March 25, 2026. Doc. #71. Because Debtor is delinquent in Plan payments, Trustee lacks the funds to make adequate protection payments to Movant. Debtor has filed no evidence in his opposition to this motion to show that Debtor is current on Plan payments so that Trustee has sufficient funds to make adequate protection payments to Movant.

After review of the evidence, the court finds that "cause" exists to lift the stay because Movant lacks adequate protection. Adequate protection payments are not being made to Movant because Debtor's Plan is not yet confirmed, and the Plan does not provide for adequate protection payments to be made by Trustee to Movant prior to confirmation. The court continued the initial hearing on this motion to permit Debtor time to file a modified plan that would allow adequate protection payments to be made to Movant prior to confirmation of the Plan, and a modified plan has not been filed. Further, it appears Debtor is delinquent in his Plan payments.

#### **Analysis under section 11 U.S.C. § 362(d)(2)**

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.

Here, Movant asserts the court has already found that the Plan is not feasible pursuant to the court's ruling on Debtor's motion to extend the automatic stay in which Debtor did not explain how he would maintain Plan payments that are significantly higher than plan payments in Debtor's prior bankruptcy, under which he failed to perform. However, the court has made no determination on Plan feasibility. The court merely determined that Debtor did not meet his burden of rebutting the presumption by clear and convincing evidence that the current case was not filed in good faith because of the pleadings filed in

support of the motion to extend, not because of the court's review of the case itself.

Because the Property is necessary for an effective reorganization, relief from stay based on 11 U.S.C. § 362(d)(2) is denied.

### **Conclusion**

Accordingly, the motion will be GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to foreclose on its collateral pursuant to applicable law including all necessary steps to obtain possession of the Property from Debtor. The motion is DENIED as to 11 U.S.C. § 362(d)(2). 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.

13. [25-13646](#)-A-13     **IN RE: TINA PEACOCK**  
[LGT-2](#)

MOTION TO DISMISS CASE  
2-10-2026    [21]

LILIAN TSANG/MV  
SCOTT LYONS/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 the debtor to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee 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. #21. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) file and set for hearing a motion to value a 2017 Ford Explorer secured by Regional Acceptance Corporation; (2) provide Trustee with complete required documents; (3) make all payments due under the plan; and (4) file tax returns for the years 2022 and 2021. As of February 10, 2026, plan payments are delinquent in the amount of \$2,700.00. While this motion is pending, further monthly plan payments will

come due. In addition to the delinquency amount, the debtor must also make the monthly plan payment of \$1,350.00 for February 25, 2026 and March 25, 2026. Doc. #21. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4) and file a motion to value collateral. Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows that there is no equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is no 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 dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED, and the case dismissed.

14. [26-10462](#)-A-13     **IN RE: SANTIAGO RAMIREZ BETERAN AND NORMA BETERAN**  
[SRB-1](#)

MOTION TO IMPOSE AUTOMATIC STAY AND/OR MOTION TO EXTEND AUTOMATIC STAY  
2-13-2026    [\[15\]](#)

NORMA BETERAN/MV  
JOAQUIN NOLET/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Granted.

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

On March 5, 2026, the court granted the debtors' ex parte motion for order shortening time to hear the debtors' motion to impose the automatic stay. Doc. #27. This motion was set for hearing on March 12, 2026 at 9:30 a.m. pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). At a hearing held on March 12, 2026, the court continued the hearing on this motion because the March 12 hearing was not properly noticed.

On March 12, 2026, the debtors filed and served a proper notice of hearing setting a hearing on the motion to impose the stay for March 26, 2026 pursuant to LBR 3015-1(c)(4). 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.

By the motion, debtors Santiago Ramirez Beteran and Norma Angelica Beteran (together, "Debtors") seek an order imposing the automatic stay under 11 U.S.C. § 362(c)(4)(B) as to all creditors in this case. Doc. #15.

### **Relevant Facts**

Debtors filed this bankruptcy case on February 2, 2026 ("Current Bankruptcy Case"). Doc. #1. Debtors reside at the real property located at 311 N. Santa Ana Street, Los Banos, California 93635 ("Property"). Doc. #1, 3. Debtors filed the Current Bankruptcy Case to protect the Property from imminent foreclosure. Doc. #15.

Prior to filing this bankruptcy case, debtor Santiago Ramirez Beteran had filed two separate cases within the last year that were dismissed: (1) Case No. 25-113090 filed on August 14, 2025 and dismissed on October 15, 2025 ("First Bankruptcy Case"); and (2) Case No. 25-13134 filed on September 17, 2025 and dismissed on December 17, 2025 ("Second Bankruptcy Case") (collectively, "Prior Cases"). Doc. #15. The Prior Cases did not involve joint debtor Norma Beteran as this is Ms. Beteran's first bankruptcy filed. Decl. of Debtors, Doc. #16. The First Bankruptcy Case was dismissed due to Mr. Beteran's delinquent plan payments, and the Second Bankruptcy Case was dismissed due to the failure of Mr. Beteran to (i) attend the § 341 meeting of creditors, (ii) provide documents, and (iii) make plan payments. Id.

### **Legal Authority**

The motion seeks relief pursuant to 11 U.S.C. § 362(c)(4)(B), requesting the court impose the automatic stay in this bankruptcy case. Congress provides in 11 U.S.C. § 362(c)(4) that no automatic stay goes into effect when the debtor has had two bankruptcy cases pending that were dismissed within one year of the filing of a subsequent case. However, a debtor may request that the court impose the automatic stay within 30 days after the filing of the third bankruptcy case only if the debtor demonstrates that the filing of the third bankruptcy case is in good faith as to the creditors to be stayed. 11 U.S.C. § 362(c)(4).

The criteria for determining good faith pursuant to 11 U.S.C. § 362(c)(4) is the same as for 11 U.S.C. § 362(c)(3). In determining if good faith exists, the court considers the totality of the circumstances. In re Elliot-Cook, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., In re Jackola, 2011 Bankr. LEXIS 2443, at \*6 (Bankr. D. Haw. June 22, 2011) (citing Elliot-Cook, 357 B.R. at 815-16). Courts consider many factors – including those used to determine good faith under §§ 1307(c) and 1325(a) – but the two basic issues to determine good faith under § 362(c)(3) are: (i) why the previous case failed; and (ii) what has changed so that the present case is likely to succeed. Elliot-Cook, 357 B.R. at 814-15.

### **Analysis**

Mr. Beteran filed the two Prior Cases that were pending and dismissed in the year prior to the February 2, 2026 filing of the Current Bankruptcy Case. Therefore, 11 U.S.C. § 362(c)(4) prevented the stay pursuant to 11 U.S.C. § 362 from going into effect automatically in the Current Bankruptcy Case as to Mr. Beteran. Relief pursuant to 11 U.S.C. § 362(c)(4)(B) must be requested within thirty (30) days from the filing of the case in which the relief is sought. Here, the Current Bankruptcy Case was filed on February 2, 2026. Doc. #1. The motion to impose the stay was filed on February 13, 2026, so it is timely.

//

Turning to the determination of whether the Current Bankruptcy Case was filed in good faith as to the creditors to be stayed, Debtors assert they filed bankruptcy in order to save the Property from foreclosure. Doc. #15; Debtors Decl., Doc. #16. Since the dismissals of the Prior Cases, Debtors' financial situation has significantly improved. Debtors Decl., Doc. #16. Mr. Beteran has been employed by Paradise Tomato Kitchens, Inc. since May 2, 2025, and Mr. Beteran's income has increased from \$3,900.00 per month to \$7,390.00. Id. Further, Debtors have filed all federal tax returns required. Id. While the chapter 13 trustee has filed an objection to confirmation of Debtors' motion to confirm the proposed plan, the objections are based on improper notice of the motion and other grounds that can be addressed by the filing of a new attorney disclosure statement, the filing and service of a new motion to confirm with proper supporting evidence, and changes to the monthly plan payment that can be made in an order confirming plan. Doc. #42.

The court finds that Debtors have sufficiently rebutted the presumption of bad faith under the facts of this case and the Prior Cases for the court to impose the automatic stay with respect to Mr. Beteran as to all creditors who have notice of this motion to allow Debtors to proceed with confirmation of a chapter 13 plan.

### **Conclusion**

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED. Upon entry of an order granting the motion, the automatic stay is imposed for all purposes and as to all parties who have notice of this motion, unless terminated by operation of law or further order of this court.

15. [26-10470](#)-A-13     **IN RE: CHRISANTO/ TIFFANY MARTINEZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
2-27-2026    [\[23\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
\$313.00 FILING FEE PAID 3/4/26

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

DISPOSITION:        The order to show cause will be vacated.

ORDER:                The court will issue an order.

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

16. [25-11071](#)-A-13     **IN RE: GREG HERNANDEZ**  
[DEF-6](#)

MOTION TO CONFIRM PLAN  
2-12-2026    [\[99\]](#)

GREG HERNANDEZ/MV  
DAVID FOYIL/ATTY. FOR DBT.

NO RULING.

17. [24-23175](#)-A-13     **IN RE: DAVID FRIAS**  
[DPC-3](#)

MOTION TO DISMISS CASE  
2-20-2026    [[107](#)]

DAVID CUSICK/MV  
CHAD JOHNSON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:               Continued to April 16, 2026 at 9:30 a.m.

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

Because the trustee's motion to dismiss is based on delinquent plan payments  
and because the debtor has filed a motion to confirm a modified plan, the  
trustee's motion to dismiss will be continued to April 16, 2026 at 9:30 a.m. to  
be heard with the debtor's motion to modify plan (BLG-4). Doc. ##117-122.

18. [25-25475](#)-A-13     **IN RE: GABRIEL/TIFFANY SNOOK**  
[CYB-3](#)

MOTION TO CONFIRM PLAN  
2-19-2026    [[51](#)]

TIFFANY SNOOK/MV  
CANDACE BROOKS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

19. [25-26775](#)-A-13     **IN RE: TERESA STOLZ**  
[DPC-2](#)

MOTION TO DISMISS CASE  
2-26-2026    [[27](#)]

DAVID CUSICK/MV

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

DISPOSITION:               Granted.

ORDER:                      The court will issue an order.

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

This motion was set for hearing on at least 28 days' notice prior to the  
hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The  
failure of the debtor to file written opposition at least 14 days prior to the

hearing as required by LBR 9014-1(f) (1) (B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c) (1) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #27. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) provide Trustee with required documents; (3) file a complete plan (plan is blank and no plan payments are proposed); and (4) accurately file schedules and/or statements. Doc. #27. 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 appear at the scheduled § 341 meeting of creditors and failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a) (3) and (4).

Because the debtor has failed to appear at the § 341 meeting of creditors, dismissal rather than conversion is appropriate.

Accordingly, the motion is GRANTED, and the case dismissed.

20. [24-21076](#)-A-7 **IN RE: JENNIFER BOSS**  
[DPC-2](#)

MOTION TO DISMISS CASE  
2-20-2026 [\[48\]](#)

DAVID CUSICK/MV  
MIKALAH LIVIAKIS/ATTY. FOR DBT.  
CONVERTED 2/25/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

A notice of voluntary conversion was entered in this bankruptcy case on February 25, 2026. Doc. #52. Therefore, the motion to dismiss the chapter 13 case is DENIED AS MOOT.

21. [23-21777](#)-A-13     **IN RE: KEITH/LESLIE MCCOMBS**  
[DPC-2](#)

MOTION TO DISMISS CASE  
2-20-2026    [[77](#)]

DAVID CUSICK/MV  
SETH HANSON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

22. [25-13477](#)-A-13     **IN RE: DAVID/NORMAJEAN FERLAND**  
[DAB-1](#)

MOTION TO VALUE COLLATERAL OF SUNRUN  
2-5-2026    [[26](#)]

NORMAJEAN FERLAND/MV  
DAVID BOONE/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:            Continue and set for an evidentiary hearing over disputed valuation and ownership.

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 affected secured creditor timely filed written opposition on March 12, 2026. Doc. #56. The failure of other creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered.

As a procedural matter, the notice of hearing filed in connection with the creditor's opposition does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice include the names and addresses of persons who must be served with any opposition. 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.

David Paul Ferland and Normajean Ferland (together, "Debtors"), the debtors in this chapter 13 case, move the court for an order valuing Debtors' solar panels, Seraphim Energy Group Inc. Panel Model: SEG-400-BMD-HV, and equipment (collectively, the "Property"), which is the collateral of Sunrun, Inc. ("Creditor") at \$10,000.00. Doc. #26; Am. Decl. of Debtors, Doc. #49.

11 U.S.C. § 1325(a)(\*) (the hanging paragraph) permits the debtor to value personal property other than 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 1-year 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).

Debtors assert the Property was purchased more than one year before the filing of this case and that the loan is a purchase money security interest. Doc. #26; Debtors' Am. Decl., Doc. #49. Debtors assert a replacement value of the Property of \$10,000.00 and ask the court for an order valuing the Property at \$10,000.00. Id. Debtors are competent to testify as to the value of the Property. Creditor opposes the motion because (1) there is no need to value the Property since Debtors do not own the Property, and (2) Debtors do not offer enough evidence to establish Debtors' replacement value of \$10,000.00. Doc. #56.

It appears there is a dispute regarding the value and ownership of Creditor's secured claim for purposes of this valuation motion, and those disputed material factual issues must be resolved before the relief requested in the motion can be granted or denied. The court is inclined to set an evidentiary hearing on this motion.

23. [25-13477](#)-A-13     **IN RE: DAVID/NORMAJEAN FERLAND**  
[DAB-2](#)

MOTION TO ALLOW DEBTOR'S COUNSEL TO ELECT COMPENSATION UNDER LOCAL  
BANKR. R. 2016-1(C)  
2-5-2026    [\[31\]](#)

NORMAJEAN FERLAND/MV  
DAVID BOONE/ATTY. FOR DBT.

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

DISPOSITION:     Denied without prejudice.

ORDER:             The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

There is no certificate of service filed with the court showing when the motion was served. Therefore, the motion does not comply with Local Rule of Practice 9014-1(e)(3), which requires that proof of service of all pleadings be filed with the court not more than three (3) days after the pleading is filed with the court. Because there is no certificate of service filed with the motion (Doc. #34), the court cannot determine whether parties were served properly.

24. [25-13477](#)-A-13     **IN RE: DAVID/NORMAJEAN FERLAND**  
[DAB-3](#)

MOTION TO CONFIRM PLAN  
2-5-2026    [[34](#)]

NORMAJEAN FERLAND/MV  
DAVID BOONE/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

25. [25-13477](#)-A-13     **IN RE: DAVID/NORMAJEAN FERLAND**  
[DAB-4](#)

OBJECTION TO CLAIM OF INTERNAL REVENUE SERVICE, CLAIM NUMBER 2  
2-5-2026    [[39](#)]

NORMAJEAN FERLAND/MV  
DAVID BOONE/ATTY. FOR DBT.

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

DISPOSITION:     Sustained.

ORDER:            The Moving Party will submit a proposed order after hearing.

This objection to proof of claim was set for hearing on at least 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the 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 Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

David Paul Ferland and Normajean Ferland (together, "Debtors"), the debtors in this chapter 13 case, object to the amended proof of claim of the Internal Revenue Service ("IRS") filed on January 23, 2026 as Claim No. 2-2. Doc. #39. Debtors state that according to the IRS's proof of claim, Debtors allegedly owe \$28,746.90 of secured debt, \$17,202.87 of priority debt, and \$1,152.88 of unsecured debt. See Claim No. 2-2; Doc. #39. However, Debtors assert they actually owe \$0 of secured debt, \$17,202.87 of priority debt, and \$1,152.88 of unsecured debt. Id.

Federal Rule of Bankruptcy Procedure 3001(f) provides that "[a] proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." Bankruptcy Code section 502(a) states that a claim or interest, evidenced by a proof of claim filed under section 501, is deemed allowed unless a party in interest objects.

The party objecting to a presumptively valid claim has the burden of presenting evidence to overcome the prima facie showing made by the proof of claim. In re Medina, 205 B.R. 216, 222 (B.A.P. 9th Cir. 1996). The objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (quoting In re Holm, 931 F.2d 620, 623 (9th Cir. 1991)). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consolidated Pioneer Mortg., 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), aff'd, 91 F.3d 151 (9th Cir. 1996) (quoting In re Allegheny International, Inc., 954 F.2d 167, 173-74 (3d Cir. 1992)).

Here, Debtors have provided sufficient evidence to negate the facts in the IRS's proof of claim. IRS sent Debtors a certificate of release of federal tax lien for the tax year listed in the disputed claim. Ex. B, Doc. #42; Decl. of David Ferland and Normajean Ferland, Doc. #43. Debtors also state that they made numerous calls to the IRS who confirmed with Debtors that the IRS's tax lien has been released, and the IRS website shows the amount owed is \$0. Ferland Decl., Doc. #43.

Accordingly, Debtors' objection to IRS's amended proof of claim, filed on January 23, 2026 as Claim No. 2-2 is SUSTAINED. The IRS shall be allowed \$0.00 as a secured claim, \$17,202.87 as an unsecured priority claim, and \$1,152.88 as a general unsecured claim.

26. [26-10281](#)-A-13     **IN RE: SHANIA FLAGG**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
2-25-2026    [\[12\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

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

DISPOSITION:     Continued to May 7, 2026 at 9:30 a.m.

ORDER:             The court will issue an order.

Shania Kameelah Flagg ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on January 26, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the monthly Plan payments need to increase to \$446.44 for the Plan to fund for 60 months, (2) Debtor's Plan payments are delinquent in the amount of \$10,045.00 with another payment in the amount of \$10,045.00 coming due on March 25, 2026, (3) the disclosure of compensation of attorney for Debtor needs to be amended, and (4) Debtor has failed to provide Trustee with a Class 1 Checklist or a recent mortgage statement. Doc. #12.

This objection will be continued to May 7, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than April 23, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by April 30, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than April 30, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

27. [26-10281](#)-A-13     **IN RE: SHANIA FLAGG**  
[SKI-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SANTANDER BANK N.A.  
3-2-2026    [[15](#)]

SANTANDER BANK N.A./MV  
GABRIEL LIBERMAN/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION:         Continued to May 7, 2026 at 9:30 a.m.

ORDER:                The court will issue an order.

Shania Kameelah Flagg ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on January 26, 2026. Doc. #1, 3. Santander Bank, N.A., as servicer for Santander Consumer USA, Inc. ("Creditor") objects to confirmation of the Plan because the Plan fails to pay the applicable prime plus interest rate on Creditor's claim. Doc. #15. The Plan proposes to pay 6.75% interest, which is the current prime rate, and the Plan does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Id.

This objection will be continued to May 7, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than April 23, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Creditor shall file and serve a reply, if any, by April 30, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than April 30, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

28. [24-20884](#)-A-13     **IN RE: RAKESH/BALJIT BAINS**  
[DPC-3](#)

MOTION TO DISMISS CASE  
2-20-2026   [[215](#)]

DAVID CUSICK/MV  
MARK WOLFF/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:       This matter will proceed as scheduled.

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

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

Because the trustee's motion to dismiss is based on delinquent plan payments and because the debtors have filed a motion to confirm a modified plan, the trustee's motion to dismiss will be continued to April 23, 2026 at 9:30 a.m. to be heard with the debtors' motion to confirm modified plan (WW-4). Doc. ##222-224, 226-227.

29. [22-10185](#)-A-13     **IN RE: TIMOTHY CORNELL**  
[SL-4](#)

MOTION TO MODIFY PLAN  
2-16-2026   [[57](#)]

TIMOTHY CORNELL/MV  
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION:         Granted.

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

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

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

30. [25-11985](#)-A-13     **IN RE: CHRISTOPHER WEATHERFORD**  
[LGT-2](#)

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

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

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Denied.

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

On January 16, 2026, the chapter 13 trustee ("Trustee") moved to dismiss the debtor's chapter 13 case under 11 U.S.C. § 1307(c)(1) for failure of the debtor to confirm a chapter 13 plan. Doc. #25. The debtor filed his chapter 13 bankruptcy on June 13, 2025 and had not yet confirmed a plan. Doc. #1.

On February 12, 2026, the debtor filed and served a motion to confirm the debtor's first modified plan and set that motion for hearing on March 26, 2026. Doc. ##29-34. The court has granted that motion by final ruling, matter #31 below.

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). By confirming debtor's first modified plan, it appears that all outstanding grounds for Trustee's motion to dismiss is be satisfied so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(1) or (c)(6).

Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

31. [25-11985](#)-A-13     **IN RE: CHRISTOPHER WEATHERFORD**  
[WSL-1](#)

MOTION TO CONFIRM PLAN  
2-12-2026    [[29](#)]

CHRISTOPHER WEATHERFORD/MV  
RAJ WADHWANI/ATTY. FOR DBT.

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

DISPOSITION:        Granted.

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

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

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

32. [24-23586](#)-A-13     **IN RE: JON NEWTON**  
[DPC-3](#)

MOTION TO DISMISS CASE  
2-20-2026    [[92](#)]

DAVID CUSICK/MV  
MICHAEL REID/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:     This matter will proceed as scheduled.

DISPOSITION:        Continue to May 7, 2026 at 9:30 a.m.

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

Because the trustee's motion to dismiss is based on delinquent plan payments and because the debtor has filed a motion to confirm a modified plan, the trustee's motion to dismiss will be continued to May 7, 2026 at 9:30 a.m. to be

heard with the debtor's motion to confirm modified plan (WLG-4). Doc. ##101-107.

33. [25-26886](#)-A-13     **IN RE: BRENDOLYNN CHAMPLAIE**  
[PGM-1](#)

CONTINUED MOTION TO CONFIRM PLAN  
1-28-2026    [[37](#)]

BRENDOLYNN CHAMPLAIE/MV  
PETER MACALUSO/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:           This matter will proceed as scheduled.

DISPOSITION:            Denied as to the motion to confirm, overruled as to the evidentiary objections.

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 originally set for hearing on March 5, 2026 on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee David Cusick ("Trustee") and RCVI Group, Inc. ("Creditor") each filed objections to the motion to confirm the chapter 13 plan ("Plan") filed by Brendolynn Champlaie ("Debtor"). Plan, Doc. #22; Mtn, Doc. #37; Tr.'s Opp'n, Doc. #50; Opp'n., Doc. #60. At the March 5 hearing, the hearing on the motion was continued to March 26, 2026 to permit further briefing. Civil Minutes, Doc. #69; Order, Doc. #70.

At the March 5 hearing, the court required Debtor to file and serve on or before March 12, 2026 (i) evidence in support of the factual assertions made in Debtor's response (Doc. #66) ("Opposition"), and (ii) a supplemental declaration of Debtor's son that addresses Creditor's evidentiary objections. Order, Doc. #70. Any response by Creditor or Trustee to Debtor's supplemental pleadings, as well as any supplemental objection by Trustee based on the continued § 341 meeting of creditors, was to be filed and served no later than March 19, 2026. Id.

As to the evidentiary objections to the Declaration of Dimitrios Champlaie (Doc. #24), the court overrules those objections for the following reasons:

Statement Location	Basis for Objection	Ruling
Introduction sentence before Paragraph 1	Lacks foundation, not based on personal knowledge (FRE 602, 701, 802)	<b>Overruled.</b> Mr. Champlaie has personal knowledge of his name and whether he is the son of Debtor.
Paragraph 2	Lacks foundation; best evidence rule (FRE 602, 1002)	<b>Overruled.</b> Mr. Champlaie has personal knowledge of his ability to contribute money to assist Debtor in making her plan payments. Fed. R. Evid. 1002 requires an original writing to prove the contents of the writing. Paragraph 2 of Mr. Champlaie's declaration does not seek to prove the contents of any writings.

To date, Debtor only responded to Creditor's evidentiary objections; Debtor did not provide any evidence, such as a declaration, to support the assertions made in the Opposition. Doc. #75. In addition, Trustee filed a status report on March 13, 2026 stating that Debtor remains delinquent in her plan payments. Doc. #77.

Because Debtor has not filed evidence in support of the Opposition and because Debtor is delinquent in her plan payments, Debtor's motion to confirm is denied.

Accordingly, the evidentiary objections are OVERRULED, and the motion to confirm is DENIED.

34. [26-10087](#)-A-13     **IN RE: MARI RUB-FERRELL**  
[DMG-1](#)

MOTION TO CONFIRM TERMINATION OR ABSENCE OF STAY  
2-27-2026    [24]

ALMA LOPEZ/MV  
D. GARDNER/ATTY. FOR MV.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Granted.

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

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

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #28. However, Federal Rules of Bankruptcy Procedure ("Rule") 4001(a)(1) and 9014(b) require service of a motion to confirm termination or absence of stay to be made pursuant to Rule 7004 on the debtor, which was done here. In Section 6, the declarant should have checked the appropriate boxes under both Section 6A and Section 6B.

Alejandro De Leon Herrera and Alma Lopez (together, "Movants") move the court for an order confirming the termination of the automatic stay in this case pursuant to 11 U.S.C. § 362(c)(4)(A)(ii) to allow Movant to commence and continue all acts necessary to gain access to real property referred to as 2908 Catalina Drive, Bakersfield, California ("Property") formerly belonging to debtor Mari Angela Rub-Ferrel ("Debtor"). Doc. #24.

Under 11 U.S.C. § 362(c)(4)(A)(ii), if an individual debtor has filed two or more cases that were dismissed the previous year, the automatic stay under 362(a) shall not go into effect. 11 U.S.C. § 362(c)(4)(A)(ii) also provides that on request of a party in interest, the court shall promptly enter an order

confirming that no stay is in effect. After review of the included evidence, the court finds that no automatic stay is in effect.

Debtor filed this case on January 12, 2026. Petition, Doc. #1. Debtor had two chapter 13 cases pending within the one-year period preceding the filing of this bankruptcy, Case No. 25-10352 (Bankr. E.D. Cal.) (the "First Prior Case") and Case No. 25-13118 (Bankr. E.D. Cal.) (the "Second Prior Case"). The First Prior Case was filed on February 7, 2025 and dismissed on June 4, 2025. The Second Prior Case was filed on September 16, 2025 and dismissed on January 8, 2026. Because Debtor's First Prior Case and Second Prior Case were pending and dismissed within the one-year period preceding the filing of this case, the automatic stay did not go into effect when Debtor filed this case on January 12, 2026.

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED. Because Debtor had two prior bankruptcy cases pending and dismissed within the one-year period preceding the filing of this case, the court confirms there is no automatic stay in effect as to Debtor with respect to the Property.

35. [25-13288](#)-A-13     **IN RE: JOSE LOPEZ-LOPEZ AND BLANCA LOPEZ**  
[SL-2](#)

MOTION TO CONFIRM PLAN  
2-4-2026   [\[55\]](#)

BLANCA LOPEZ/MV  
SCOTT LYONS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:       Continued to May 7, 2026 at 9:30 a.m.

ORDER:             The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #63. Trustee objects to confirmation because: (1) the plan is a 36-month plan, but the debtors have listed a claim for Toyota Financial Services in Class 2 that will take 60 months to pay, and (2) the debtors need to provide Trustee with their amended 2024 tax returns.  
Id.

Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later April 23, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by April 30, 2026.

If the debtors elect 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 30, 2026. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

36. [25-21289](#)-A-13     **IN RE: MELINDA WARD**  
[DPC-3](#)

AMENDED MOTION TO DISMISS CASE  
2-27-2026    [[114](#)]

DAVID CUSICK/MV  
CHAD JOHNSON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Continue to May 7, 2026 at 9:30 a.m.

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

The trustee's motion to dismiss will be continued to May 7, 2026 at 9:30 a.m. to be heard with the hearing on the debtor's motion to confirm modified plan (BLG-4). Doc. #117-121, 123.

37. [23-24291](#)-A-13     **IN RE: ISRAEL GABRIEL AND LAUREN EVANSON-GABRIEL**  
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE  
1-16-2026    [[52](#)]

DAVID CUSICK/MV  
MARY TERRANELLA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Denied.

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

On January 16, 2026, the chapter 13 trustee ("Trustee") moved to dismiss under 11 U.S.C. § 1307(c)(6) for a material default by debtors with respect to a term of a confirmed plan because the debtors were delinquent in their plan payments in the amount of \$10,225.00. Doc. #52.

On February 7, 2026, debtors opposed Trustee's motion to dismiss stating the debtors intended to file a modified plan to address the delinquency. Doc. #56. On February 10, 2026, the debtors filed and served a motion to confirm the debtors' first modified plan and set that motion for hearing on March 12, 2026. Doc. #61-69. On March 12, 2026, Trustee filed a status report stating that the debtors are not delinquent under the plan. Doc. #78.

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. Because Trustee states that the debtors are no longer delinquent in their plan payments, all outstanding grounds for Trustee's motion to dismiss are satisfied, and there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(6). Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

38. [23-24291](#)-A-13     **IN RE: ISRAEL GABRIEL AND LAUREN EVANSON-GABRIEL**  
[MET-1](#)

CONTINUED MOTION TO MODIFY PLAN  
2-10-2026    [[61](#)]

LAUREN EVANSON-GABRIEL/MV  
MARY TERRANELLA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:         Continued to May 7, 2026 at 9:30 a.m.

ORDER:                The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #73. Trustee objects to confirmation because: (1) the debtors Schedules I and J were filed as exhibits only; (2) the debtors need to increase plan payments; (3) the debtors' proposed plan payment schedule needs to be clarified; and (4) Trustee opposes lowering the unsecured creditors percentage paid to less than 5%. Id.

Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later April 23, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by April 30, 2026.

If the debtors elect 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 30, 2026. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

39. [25-13193](#)-A-13     **IN RE: ERIN STEVENSON**  
[MJD-3](#)

MOTION TO CONFIRM PLAN  
2-11-2026    [[63](#)]

ERIN STEVENSON/MV  
MATTHEW DECAMINADA/ATTY. FOR DBT.

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

DISPOSITION:         Dropped as moot.

ORDER:                The court will issue an order.

On February 11, 2026, the debtor filed a motion to confirm the chapter 13 plan (MJD-3), notice of hearing and supporting documents. Doc. ##63-67, 69. On February 18, 2026, the debtor filed a duplicate motion to confirm chapter 13

plan, notice of hearing and supporting documents. Doc. ##71-75, 77. The court has deemed Doc. ##63-67, 69 to be duplicates of Doc. ##71-75, 77. Therefore, the duplicate motion, notice of hearing and support documents (Doc. ##63-67, 69) is DROPPED AS MOOT.

40. [25-13193](#)-A-13     **IN RE: ERIN STEVENSON**  
[MJD-4](#)

MOTION TO CONFIRM PLAN  
2-18-2026   [\[71\]](#)

ERIN STEVENSON/MV  
MATTHEW DECAMINADA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to May 7, 2026 at 9:30 a.m.

ORDER:            The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #78. Trustee objects to confirmation because the debtor's plan payments are delinquent. Id.

Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later April 23, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by April 30, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than April 30, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

41. [25-26793](#)-A-13     **IN RE: SIANG PETERS**  
[DPC-1](#)

MOTION TO DISMISS CASE  
2-26-2026   [\[37\]](#)

DAVID CUSICK/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 the debtor to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case for unreasonable delay by the debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)) because the debtor has failed to set a plan for hearing as required under LBR 3015-1. Doc. #37. In addition, the debtor has failed to make any payments due under the plan (11 U.S.C. § 1307(c)(4)). Id. The debtor is delinquent in the amount of \$23,610.24. Id. Before the hearing on this motion, another payment in the amount of \$11,805.12 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) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor has failed to set a plan for hearing as required under LBR 3015-1. Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

According to Trustee's records, there is \$23,664.03 in non-exempt equity in various assets listed on Schedules A/B, including several cars and bank accounts. Doc. #37. Although there may be non-exempt equity to be realized in the event of a conversion to Chapter 7, due to the nature of the assets and the small amounts of equity spread over multiple assets, Trustee believes that conversion to a chapter 7 is not in the best interest of creditors or the estate. Id. In addition, a review of the court's docket indicates that the debtor has not appeared at any § 341 meeting of creditors. See court docket entry entered on January 15, 2026; court docket entry entered on March 5, 2026. Thus, even if converted, it is likely that this bankruptcy case would be dismissed.

Accordingly, this motion is GRANTED. The case will be dismissed.

42. [25-13397](#)-A-13     **IN RE: RAMONA FRANKFORT**  
[EPE-2](#)

MOTION TO CONFIRM PLAN  
2-19-2026    [[49](#)]

RAMONA FRANKFORT/MV  
ERIC ESCAMILLA/ATTY. FOR DBT.  
RESPONSIVE PLEADING WITHDRAWN

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

DISPOSITION:         Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew the opposition, stating the debtor has resolved the issues raised in Trustee's opposition. See Opp'n, Doc. #57; Opp'n Withdrawal, Doc. #66. 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.

43. [25-25897](#)-A-13     **IN RE: BRITNEY FERRON**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK  
12-17-2025    [[25](#)]

DAVID CUSICK/MV  
DAVID RITZINGER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:         Sustained.

ORDER:                The court will issue an order.

Britney Ann Ferron ("Debtor") filed a voluntary petition under chapter 13 on October 24, 2025 along with a chapter 13 plan ("Plan") on October 31, 2025.

Doc. ##1, 12. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor's Plan payments are delinquent as Debtor has not made any Plan payments to date; (2) Debtor needs to file a motion to value the collateral of Internal Revenue Service and a motion to value the collateral of American Honda Finance; and (3) the attorney for Debtor failed to appear at the § 341 meeting of creditors. Doc. #25.

The court continued this matter to March 12, 2026 and ordered the parties to do one of the following no later than January 20, 2026: (1) file a statement of non-opposition; (2) respond in writing to the objection; or (3) file a modified plan. Order, Doc. #31. The court again continued this matter to March 26, 2026 to be heard with Debtor's motions to value collateral. Order, Doc. #63.

On March 22, 2026, Debtor withdrew her opposition to Trustee's objection to confirmation. Doc. #66. Further, 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.

44. [25-25897](#)-A-13     **IN RE: BRITNEY FERRON**  
[DPR-2](#)

MOTION TO VALUE COLLATERAL OF FRANCHISE TAX BOARD  
2-26-2026    [[39](#)]

BRITNEY FERRON/MV  
DAVID RITZINGER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Dropped from calendar.

NO ORDER REQUIRED.

Debtor withdrew the Motion to Value Collateral on March 22, 2026. Doc. #68.

45. [25-25897](#)-A-13     **IN RE: BRITNEY FERRON**  
[DPR-3](#)

MOTION TO VALUE COLLATERAL OF INTERNAL REVENUE SERVICE  
2-26-2026    [[43](#)]

BRITNEY FERRON/MV  
DAVID RITZINGER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Dropped from calendar.

NO ORDER REQUIRED.

Debtor withdrew the Motion to Value Collateral on March 22, 2026. Doc. #70.

MOTION TO APPROVE LOAN MODIFICATION  
2-24-2026    [\[19\]](#)

TODD DERBY/MV  
MIKALAH LIVIAKIS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

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

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.

As an initial procedural matter, this motion will be heard if an amended certificate of service is filed prior to the hearing with respect to service of the motion. Section 4 of the certificate of service state that the motion and related pleadings were served on March 24, 2026. See Doc. #23. It appears that date is a typographical error, and the correct date should be February 24, 2026, based on the date that the creditor's matrix was printed, the date that the pleadings were filed, and the fact that March 24, 2026 had not yet happened when the certificate of service was filed. Assuming that service was actually made on February 24, 2026 and not March 24, 2026, the court will hear the motion if an amended certificate of service is filed prior to the hearing.

Assuming that this motion was actually served on February 24, 2026, this motion was set for hearing on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). Though not required, the trustee filed written non-opposition on March 6, 2026. Doc. #24. The court will issue an order if a further hearing is necessary.

As an informative matter, the movant did not mark anything in Section 5 of the court's mandatory Certificate of Service form. The movant should have checked the appropriate box under Section 5 as to who is being served.

Tannya Lynn Derby and Todd Jonathan Derby (collectively, "Debtors"), the chapter 13 debtors in this case, move the court for an order authorizing Debtors to modify their existing mortgage. Doc. #19. Debtors seek to modify the mortgage on their primary residence located at 4020 Stope Drive, Placerville, California 95667 ("Residence"). Id.

Nexus Nova LLC ("Nexus") holds a deed of trust on the Residence. Doc. #19; Decl. of Debtors, Doc. #22. When this bankruptcy case was filed, Debtors were in the process of completing their trial modification with Nexus due to financial hardship and are current in their mortgage payments to Nexus, which are being paid outside of their chapter 13 plan. Id. In January 2026, Debtors received their Loan Modification Agreement. Ex. A, Doc. #21. Debtors seek approval to modify their mortgage to bring them current and have negotiated a modification of their mortgage loan with Nexus to do so. Debtors Decl., Doc. #22.

Comparing the proof of claim filed by Nexus and the proposed modification, the modification will keep the interest rate the same, 4.875% fixed, and extend the maturity date of the loan from March 1, 2052 to January 1, 2066, with a balloon payment of \$22,882.04 at the end of the term. Ex. A, Doc. #21; Claim 21. The new monthly payment will be \$1,583.31, consisting of principal and interest in the amount of \$1,100.68, an initial escrow in the amount of \$448.75, and an additional \$33.88 per month representing an escrow shortage. Debtors Decl., Doc. #22; Ex. A, Doc. #21. This is a reduction from the estimated monthly payment of \$1,824.69 under the prior loan modification. Claim 21.

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."

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' Schedules I and J demonstrate an ability to pay future plan payments, projected living expenses, and the modified debt. The modified debt is a single loan incurred only to modify the existing debt encumbering Debtors' Residence. The only security for the modification will be Debtors' Residence.

Accordingly, pending opposition being raised at the hearing and an amended certificate of service being filed before the hearing date, this motion will be GRANTED. Debtors are authorized, but not required, to modify the existing mortgage with Nexus in a manner consistent with the motion.

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

CONTINUED STATUS CONFERENCE RE: MOTION TO ALTER TRIAL DEADLINES PENDING HEARING ON MOTION TO ALLOW PLAINTIFF'S RESPONSES TO DEFENDANTS REQUEST FOR ADMISSIONS BE ACCEPTED BY THE COURT  
1-20-2026 [[69](#)]

NOLEN V. SCOTT

NO RULING.

2. [24-12115](#)-A-7 **IN RE: MICHAEL/TATUM SCOTT**  
[24-1042](#)

CONTINUED STATUS CONFERENCE RE: MOTION TO REQUEST CHANGE OF TRIAL DATE PENDING HEARING ON MOTION TO ALLOW PLAINTIFF'S RESPONSES TO DEFENDANTS REQUEST FOR ADMISSIONS BE ACCEPTED BY THE COURT  
1-20-2026 [[70](#)]

NOLEN V. SCOTT

NO RULING.

3. [24-12115](#)-A-7 **IN RE: MICHAEL/TATUM SCOTT**  
[24-1042](#) [PSN-1](#)

MOTION FOR COURT TO ACCEPT PLAINTIFF'S LATE RESPONSES TO DEFENSES REQUEST FOR ADMISSIONS  
2-11-2026 [[95](#)]

NOLEN V. SCOTT  
PAUL NOLEN/ATTY. FOR MV.  
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part if the record is supplemented at the hearing.

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

This motion was set for hearing on at least 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The defendant timely filed written opposition. Doc. #101. This matter will proceed as scheduled.

As an informative matter, the certificate of service does not comply with LBR 9004-2(b), which provides that "[t]he first page of each document filed shall contain a caption setting forth the name of the court, the title of the case or proceeding, the bankruptcy case, adversary proceeding, and/or

miscellaneous proceeding number, the title of the document, and, if applicable, the Docket Control Number, and the date, time, and location of the hearing." LBR 9004-2(b)(5). Here, the declarant did not list the hearing date and time on the certificate of service. Doc. #99. In the future, the moving party should ensure that the title of every document complies with the local rules.

Tatum Rae Scott ("Defendant") is the defendant in this adversary proceeding. Doc. #2. Paul Nolen ("Plaintiff") moves to withdraw Plaintiff's admissions that are deemed admitted under Federal Rule of Civil Procedure ("Rule") 36(b), incorporated into this adversary proceeding by Federal Rule of Bankruptcy Procedure 7036, and accept Plaintiff's late responses to Defendant's request for admissions. Doc. #95.

### **Relevant Facts**

On June 11, 2025, Defendant's counsel propounded discovery requests on Plaintiff, including requests for admissions. Ex. A, Doc. #52; Decl. of Peter A. Sauer, Doc. #51. Defendant's counsel served the requests for admissions to Plaintiff at the address on Plaintiff's complaint and did not receive any notice from the post office that there were issues with the service. Ex. B, Doc. #52; Sauer Decl., Doc. #51. These requests for admissions contained an explicit disclosure that every matter set forth in the requests for admissions will be deemed admitted unless the Plaintiff serves a written answer or objection within 30 days. Ex. A, Doc. #52; Sauer Decl., Doc. #51. Defendant's counsel did not receive a response to the requests for admissions within 30 days. Sauer Decl., Doc. #51. On July 16, 2025, Defendant's counsel sent a letter notifying Plaintiff that no discovery responses had been received by Plaintiff and requesting a date by which Defendant's counsel would be receiving those responses, if at all. Ex. C, Doc. #52; Sauer Decl., Doc. #51.

On July 21, 2025, Defendant's counsel had a telephone call with Plaintiff to discuss the discovery propounded by Defendant in which Plaintiff requested Defendant's counsel resend the discovery requests to Plaintiff. Sauer Decl., Doc. #51. On July 23, 2025, Defendant's counsel received incomplete responses to the requests for admissions among other responses by Plaintiff. Id.

On October 23, 2025, Defendant's Pretrial Statement was filed that raised the issue of Plaintiff's failure to respond to the requests for admissions. Doc. #33. During the pretrial conference on October 30, 2025, Defendant's counsel raised the discovery issue and notified the court that the motion to prohibit Plaintiff from introducing any evidence contrary to matters deemed admitted under Rule 36 would be filed. Sauer Decl., Doc. #51. Additionally, following the pretrial conference, Defendant's counsel met and conferred in-person with Plaintiff outside the courtroom about numerous matters. Id. Although Plaintiff and Defendant's counsel have communicated since the pretrial conference, Plaintiff did not move to withdraw the deemed admissions. Id.

On December 11, 2025, Defendant filed three motions in limine. Doc. ##39, 44, 49. The third motion in limine sought to prohibit Plaintiff from introducing any evidence contrary to matters deemed admitted under Rule 36. Doc. #49.

On December 30, 2025, Plaintiff opposed Defendant's motion in limine stating Defendant's counsel had made requests not related to Plaintiff's claim for relief. Doc. #54. Plaintiff asserted he had responded to Defendant's requests and all discovery concerning Plaintiff's filing had been turned over to Defendant except for emails between Plaintiff and Defendant. Id. Plaintiff believed he had been subjected to interrogatories, admissions and request for discovery that have no bearing on Plaintiff's complaint. Id. Defendant replied to Plaintiff's opposition stating that Plaintiff did not address the relief sought by Defendant's third motion in limine. Doc. #59.

On January 8, 2026, Defendant's motion in limine to prohibit Plaintiff from introducing any evidence contrary to matters deemed admitted under Rule 36 was granted. Order, Doc. #78.

On January 13, 2026, Plaintiff filed a motion to allow Plaintiff's responses to Defendant's request for admissions be accepted by the court. Doc. #66. Plaintiff stated that Defendant sent a letter to Plaintiff on July 16, 2025 asking if Plaintiff intended on responding to Defendant's request for production. Id. Plaintiff received Defendant's letter on July 21, 2025 and called Defendant's counsel requesting the documents be e-mailed because Plaintiff did not receive the discovery requests in the mail. Id. Plaintiff stated that a response to the request for admissions was returned by e-mail to Defendant's counsel on July 23, 2025 ("July Responses"). Id. On January 20, 2026, Plaintiff filed motions to alter trial deadlines and requesting change of trial date pending hearing on Plaintiff's motion to allow Plaintiff's responses to Defendant's request for admissions be accepted by the court. Doc. ##69, 70.

On February 5, 2026, Plaintiff's motion to allow Plaintiff's responses to Defendant's request for admissions be accepted by the court was denied without prejudice due to improper notice. Order, Doc. #87; Doc. #84. Plaintiff's other two motions to alter trial deadlines and requesting change of trial date were continued to March 26, 2026. Doc. ##88, 89.

On February 11, 2026, Plaintiff filed a second motion to allow Plaintiff's responses to Defendant's request for admissions be accepted by the court. Doc. #95. Plaintiff's assertions are the same as those in the motion filed on January 13, 2026. The instant motion seeks to withdraw admissions resulting from Plaintiff's failure to respond timely to the request for admissions and permit the response filed with the motion ("Motion Responses"). Doc. #95.

### **Applicable Law**

A matter is admitted unless within 30 days after being served with a request for admission, the party to whom the request is directed serves on the requesting party a written answer or objection. Fed. R. Civ. P. 36(a)(3). A party who fails to respond within 30 days and later tries to withdraw its deemed admissions "must make a strong showing[.]" 999 v. C.I.T. Corp., 776 F.2d 866, 869 (9th Cir. 1985). To determine whether a party may be permitted to withdraw or amend an admission, the court must determine whether the party satisfies two prongs: "First, the withdrawal will aid in presenting the merits of the case. Second, no substantial prejudice to the party who requested the admission will result from allowing the admission to be withdrawn or amended." Fed. R. Civ. P. 36(b); Conlon v. U.S., 474 F.3d 616, 625 (9th Cir. 2007).

### **First Prong Analysis**

First, the court must determine whether a withdrawal of the deemed admissions will aid in presenting the merits of the case. "The first half of the test in Rule 36(b) is satisfied when upholding the admissions would practically eliminate any presentation of the merits of the case." Hadley v. United States, 45 F.3d 1345, 1348 (9th Cir. 1995).

Plaintiff asserts that if all admissions are deemed admitted, Plaintiff will be unable to present his actual evidence, which will result in this case ending without the court looking at the merits and facts of the case. Doc. #97. Defendant argues that Plaintiff has not presented any evidence to support his assertion that he will be unable to present his case on the merits. Doc. #101.

After reviewing the complaint, the request for admissions and the July Responses, the court finds allowing the deemed admissions to not be amended

would effectively terminate Plaintiff's claims without the case being heard on the merits. Specifically, the underlying issue in Plaintiff's complaint is that Defendant intentionally issued a check to Plaintiff on a closed bank account or that a stop payment was initiated because there were insufficient funds available, resulting in a fraudulent transaction. Doc. #1. The statements that were deemed admitted under Rule 36 on January 8, 2026, specifically address Plaintiff's fraud claim and, if withdrawn, would aid Plaintiff in presenting the merits of his claim. The court believes allowing the July Responses will allow this adversary proceeding to be decided on the merits and permit the court to consider all evidence. Therefore, the court finds cause to withdraw the deemed admissions and allow the July Responses.

## **Second Prong Analysis**

Second, the court is not persuaded that Defendant, as the adverse party, would be substantially prejudiced by the withdrawal or amendment of the deemed admissions. Plaintiff contends Defendant will not be prejudiced by the withdrawal because Defendant has been in possession of Plaintiff's responses to the deemed admissions for over six months. Doc. #95. Defendant believes she will be prejudiced because Defendant's trial strategy was in reliance on Defendant's granted motion in limine that prohibits Plaintiff from introducing any evidence contrary to matters deemed admitted under Rule 36, and that the instant motion is prejudicial because the motion was made on the eve of trial. Doc. #101.

Defendant's counsel acknowledges that he received Plaintiff's July Responses by email on July 23, 2025, which was before scheduling order deadline for discovery. Sauer Decl., Doc. #51. The court finds that Defendant will not suffer substantial prejudice if the motion is granted and the deemed admissions are withdrawn because Defendant has been in possession of the July Responses since July 23, 2025. In fact, it would be in the best interest of both parties to allow the court to rule on the claims in this adversary proceeding based on evidence presented by both parties instead of on deemed admissions that are the result of discovery Plaintiff asserts he did not receive timely.

However, in the motion, Plaintiff asks the court to accept the Motion Responses and not the July Responses. Doc. #95; Ex. 1, Doc. #98. After comparing the Motion Responses and the July Responses, the court believes allowing the Motion Responses would substantially prejudice Defendant because Plaintiff has included in the Motion Responses answers to request for admission numbers 14 and 15 to which Plaintiff did not include a response in the July Responses. Ex. 1 & 3, Doc. #98. The court finds that Defendant will be substantially prejudiced if this court permits Plaintiff to answer these two requests for admission on the eve of trial for which Plaintiff did not provide a response in the July Responses. Therefore, the court will allow the July Responses and not the Motion Responses.

## **July Responses**

Rule 36 governs requests for admissions and provides that "[i]f a matter is not admitted, the answer must specifically deny [the matter] or state in detail why the answering party cannot truthfully admit or deny it." Fed. R. Civ. P. 36(a)(4). The party requesting the admission "may move to determine the sufficiency of an answer or objection," and the court, "[o]n finding that an answer does not comply with this rule . . . may order either that the matter is admitted or that an amended answer be served." Fed. R. Civ. P. 36(a)(6).

Certain requirements must be met for proper objections and denials under Rule 36:

A denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest. The answering party may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny.

Fed. R. Civ. P. 36(a)(4). However, "[e]ven when a party's answer does not include such a statement, and thus fails to comply with the literal requirements of the Rule, courts generally order an amended answer rather than deem the matter admitted." Asea, Inc. v. S. Pac. Transp. Co., 669 F.2d 1242, 1246 (9th Cir. 1981). The court "should ordinarily first order an amended answer, and deem the matter admitted only if a sufficient answer is not timely filed," although the decision is ultimately left to the discretion of the court. Id. at 1247.

Defendant asserts that the July Responses are nonconforming and should be disallowed. Doc. #101. Specifically, Defendant argues that Plaintiff's responses to the following requests for admission were unresponsive, argumentative or incomplete: Requests Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 17, 21, 33, 34, 36, 37, 43, 44, 45, 46, 49, and 50. Id. While the July Responses fail to comply with the literal requirement of Rule 36, the court believes Plaintiff's answers in the July Responses can be reasonably construed to mean "Admit" with an explanation. Therefore, Plaintiff's responses to the Requests Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 17, 21, 33, 34, 36, 37, 43, 44, 45, 46, 49, and 50 will be allowed as set forth in the July Responses.

However, it appears the July Responses are misnumbered from response nos. 31 through 34, and it is unclear whether Plaintiff's response no. 35 in the July Responses is a response to Defendant's Request No. 34 or Request No. 35. Compare Ex. 1, Doc. #98, with Ex. 3, Doc. #98. The court will allow Plaintiff to clarify this discrepancy on the record at the hearing.

#### **Ad Hominem Attacks**

Defendant asserts that Plaintiff has insinuated that Defendant's counsel deceived the court in failing to advise the court that Plaintiff had responded to the request for admissions. Doc. #101. The court does not believe Defendant's counsel ever claimed Plaintiff did not respond to the request for admissions in July 2025, only that Plaintiff's July Responses were late and incomplete. Further, a copy of the July Responses was not filed with the court by either party until the instant motion. Plaintiff is cautioned to refrain from ad hominem accusations on opposing party or counsel for the remaining course of this adversary proceeding.

#### **Conclusion**

Accordingly, pending Plaintiff's clarification on the record, Plaintiff's motion to allow Plaintiff's late responses to request for admissions will be GRANTED IN PART. Plaintiff's deemed admissions will be withdrawn, and the court will allow the July Responses as clarified on the record with respect to Plaintiff's responses to Request Nos. 31 through 35.

4. [24-13616](#)-A-7    **IN RE: TRINA PAYNE**  
[25-1025](#)    [MPI-1](#)

MOTION FOR SUMMARY JUDGMENT  
2-19-2026    [[56](#)]

AMERICAN CONTRACTORS INDEMNITY COMPANY V. PAYNE  
MISTY PERRY-ISAACSON/ATTY. FOR MV.  
RESPONSIVE PLEADING

NO RULING.

5. [25-11324](#)-A-7    **IN RE: VANESSA BRICENO**  
[25-1043](#)    [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
10-8-2025    [[11](#)]

CHAVEZ V. BRICENO ET AL  
RESPONSIVE PLEADING

NO RULING.

6. [25-10233](#)-A-7    **IN RE: GERARDO CLAVEL CARTAGENA**  
[25-1019](#)    [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
5-8-2025    [[1](#)]

BROWN V. CLAVEL  
STUART BROWN/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

7. [23-12161](#)-A-7    **IN RE: RANDY BRAVO**  
[25-1029](#)    [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
7-14-2025    [[1](#)]

BRAVO V. UNITED STATES DEPARTMENT OF EDUCATION  
RESPONSIVE PLEADING

NO RULING.

8. [25-13864](#)-A-7     **IN RE: MARIELA CEJA FARFAN**  
[26-1007](#)

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
3-9-2026    [\[10\]](#)

COLEMAN V. CEJA FARFAN  
\$350.00 FILING FEE PAID 3/19/26

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

DISPOSITION:         The order to show cause will be vacated.

ORDER:                The court will issue an order.

The record shows that the filing fee now due has been paid. The adversary proceeding shall remain pending.