



UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable Jennifer E. Niemann  
Hearing Date: Thursday, April 2, 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](#).

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## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

1. [26-10305](#)-A-13     **IN RE: KELLI CRAWFORD**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
3-13-2026    [[43](#)]

LILIAN TSANG/MV  
DISMISSED 03/13/2026

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

DISPOSITION:        Overruled as moot.

ORDER:                The court will issue an order.

An order dismissing this case was entered on March 13, 2026. Doc. #42.  
Therefore, this objection to confirmation is OVERRULED AS MOOT.

2. [25-13930](#)-A-13     **IN RE: MINERVA MARTINEZ**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
1-2-2026    [[12](#)]

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

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:        Continue to May 21, 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.

Resolution of the trustee's objection to confirmation requires, among other things, the determination of a motion to value the collateral of OneMain Financial Group LLC in order for the trustee to determine whether the debtor's plan is feasible. Doc. #12. Because that motion cannot be filed until at least 31 days after the conclusion of the debtor's § 341 meeting of creditors and the debtor's § 341 meeting of creditors concluded on March 26, 2026, the earliest such motion can be filed and served is April 26, 2026. Accordingly, the court is inclined to continue the hearing on this objection to confirmation to May 21, 2026 at 9:30 a.m.

3. [25-13838](#)-A-13     **IN RE: LILLIANA AVALOS**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
12-31-2025    [16]

LILIAN TSANG/MV  
STEVEN ALPERT/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Overruled.

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

Lilliana Del Socorro Avalos ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on November 14, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) a motion to value the collateral of OneMain Financial Group LLC ("Creditor") needs to be filed in order for Trustee to determine whether Debtor's Plan is feasible; and (2) Debtor needs to provide Trustee with Debtor's retirement account statement for Trustee to determine if Debtor is providing all projected discretionary income into the Plan for the benefit of unsecured claim holders. Doc. #16.

Debtor responded to Trustee's objection stating that Debtor has now provided Trustee with the requested retirement loan documentation. Doc. #25. Debtor also filed a motion to value the collateral of Creditor and set that motion for hearing on April 2, 2026. Doc. #26. The court has granted that motion by final ruling. See calendar matter #4 below. Thus, it appears all outstanding issues raised in Trustee's objection to confirmation have been resolved, and the objection to confirmation should be overruled.

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

4. [25-13838](#)-A-13     **IN RE: LILLIANA AVALOS**  
[PLG-1](#)

MOTION TO VALUE COLLATERAL OF ONEMAIN FINANCIAL GROUP, LLC  
2-27-2026    [26]

LILLIANA AVALOS/MV  
STEVEN ALPERT/ATTY. FOR DBT.

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

DISPOSITION:                Granted.

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

This motion was set for hearing on at least 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 movants have done here.

Lilliana Del Socorro Avalos ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2012 Dodge Journey ("Vehicle"), which is the collateral of OneMain Financial Group LLC ("Creditor") for a loan provided by Creditor to Debtor, at \$4,090.00. Doc. #26.

11 U.S.C. § 1325(a)(\*) (the hanging paragraph) permits the debtor to value personal property at its current value, as opposed to the amount due on the loan, if the loan is not a purchase money security interest secured by the property. Here, the current loan is a loan agreement executed on August 29, 2025 that was not specifically entered into for the purchase of the Vehicle, so Creditor does not hold a purchase money security interest in the Vehicle. Thus, the hanging paragraph of 11 U.S.C. § 1325 does not preclude Debtor from bifurcating Creditor's claim.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." 11 U.S.C. § 506(a)(2) 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.

Creditor's proof of claim values the Vehicle at \$5,600.00. Claim 2-1. Debtor asserts the replacement value for the Vehicle is \$4,090.00 and asks the court for an order valuing the Vehicle at \$4,090.00. Decl. of Lilliana Del Socorro Avalos, Doc. #28. As the owner, Debtor's opinion of value is evidence of the value of the Vehicle. See Fed. R. Evid. 701; see also Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Because Creditor did not oppose the motion and Debtor is competent to testify as to the value of the Vehicle, the court accepts Debtor's valuation of the Vehicle.

The motion is GRANTED. Creditor's secured claim will be fixed at \$4,090.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

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

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

JOSHUA STERNBERG/ATTY. FOR DBT.

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

DISPOSITION:     Overruled as moot.

ORDER:            The court will issue an order.

The court is granting the trustee's motion to dismiss [LGT-2] below. Therefore, this objection to confirmation of the plan [LGT-1] is OVERRULED AS MOOT.

6. [25-14243](#)-A-13     **IN RE: PABLO CHAVEZ**  
[LGT-2](#)

MOTION TO DISMISS CASE  
3-4-2026    [[60](#)]

LILIAN TSANG/MV  
JOSHUA STERNBERG/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 ("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. #60. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) provide Trustee with required documents; (2) accurately file schedules and/or statements; (3) file a Disclosure of Attorney Compensation; and (4) make payments due under the plan. As of March 4, 2026, monthly plan payments are delinquent in the

amount of \$10,532.08. 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 \$10,566.04 for March 25, 2026. At a hearing held on March 26, 2026 in this bankruptcy case with respect to a motion for relief from stay, counsel for the debtor acknowledged that the debtor was delinquent in his plan payments. Court Audio, Doc. #75; see also Tr.'s Supp. Obj., Doc. #71 (stating the debtor is delinquent in plan payments as of March 25, 2026). The debtor did not oppose the motion.

Finally, Trustee asserts that the debtor is ineligible to be a debtor in a chapter 13 pursuant to 11 U.S.C. § 109(h) because the debtor has failed to provide credit counseling certificate. Doc. #60. While the debtor had not filed a credit counseling certificate at the time Trustee's motion to dismiss was filed and served, the debtor subsequently filed a credit counseling certificate showing that the debtor received credit counseling within the 180 days prior to filing this bankruptcy case. Doc. #64.

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 file accurate schedules and statement and provide Trustee with required documents. 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 as well as the motion for relief from stay filed by the secured creditor on the debtor's real property shows that there is no equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1; Decl. of Terry Wheeler, Doc. #43. 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.

7. [25-14243](#)-A-13 **IN RE: PABLO CHAVEZ**  
[TRF-1](#)

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

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

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The court is granting the trustee's motion to dismiss [LGT-2] above. Therefore, this objection to confirmation of the plan [TRF-1] is OVERRULED AS MOOT.

8. [25-14347](#)-A-13     **IN RE: RYAN/AMANDA CRAIN**  
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-2-2026    [\[18\]](#)

HARLEY-DAVIDSON/MV  
STEPHEN LABIAK/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION:     Granted.

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

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

The movant, Harley-Davidson ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2024 Harley-Davidson FLTRX Road Glide, VIN: 1HD1KH720RB657157 (the "Motorcycle"). Doc. #18.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtors have failed to make at least two complete post-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$1,798.82. Ex. C, Doc. #20; Decl. of Jenifer Ford, Doc. #21. Moreover, Movant lacks adequate protection because the Motorcycle is valued at \$22,450.00 and the debtors owe \$38,839.10. Ford Decl., Doc. #21.

Accordingly, the motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

9. [26-10455](#)-A-13     **IN RE: JOSE MIRELES CONTRERAS AND ALYSSA BROOKS**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
3-12-2026    [[14](#)]

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

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

DISPOSITION:       Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on March 18, 2026.  
Doc. #18.

10. [26-10359](#)-A-13     **IN RE: LUCIA MATA**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
3-10-2026    [[26](#)]

LILIAN TSANG/MV  
DAVID JOHNSTON/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.

Lucia Rodrigues Mata ("Debtor") filed a voluntary petition under chapter 13 on January 29, 2026 along with a chapter 13 plan ("Plan") on February 12, 2026. Doc. ##1, 16. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor needs to increase the average monthly dividend for Walnut Orchards Homeowners Association in order to pay that claim in full within Debtor's 60-month plan term; and (2) the meeting of creditors has not yet concluded. Doc. #26. Debtor's 341 meeting of creditors has been continued to April 23, 2026 at 2:00 p.m. See court docket entry entered on March 26, 2026.

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.

11. [25-11061](#)-A-13     **IN RE: ARNULFO MUNOZ-GONZALES**  
[NSV-4](#)

CONTINUED MOTION TO CONFIRM PLAN  
12-31-2025   [94]

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

NO RULING.

12. [26-10462](#)-A-13     **IN RE: SANTIAGO RAMIREZ BETERAN AND NORMA BETERAN**  
[SRB-2](#)

MOTION TO CONFIRM PLAN  
3-15-2026   [38]

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

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

DISPOSITION:     Denied without prejudice.

ORDER:            The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The motion does not comply with Local Rule of Practice ("LBR") 3015-1(d)(1), which requires that a motion to confirm a modified plan must be served on parties in interest at least thirty-five (35) days prior to the hearing. Here, the motion was served on March 14, 2026 with a hearing date of April 2, 2026.

As a further procedural matter, there is no attachment to the certificate of service filed with the motion (Doc. #40) showing the parties and addresses on which the motion and supporting documents were served. Even if the notice complied with LBR 3015-1(d)(1), the court cannot determine whether the proper parties were served because there is no attachment to the certificate of service.

As a further procedural matter, the debtors failed to file and serve a declaration of debtors in support of the motion when the motion was filed and served. The party moving to confirm a chapter 13 plan bears the burden of proof to show facts supporting the proposed plan. Max Recovery v. Than (In re Than), 215 B.R. 430, 434 (B.A.P. 9th Cir. 1997). In addition, LBR 9014-1(d)(3)(D) requires in relevant part that "[e]very motion or other request for relief shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested." Here, no evidence was filed or served with the motion to confirm debtors' plan, so debtors did not meet their required burden of proof or comply with this court's Local Rules of Practice.

The court encourages counsel to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

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

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

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

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

DISPOSITION:         Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on March 18, 2026.  
Doc. #20.

14. [22-21379](#)-A-13     **IN RE: ELISEI BRANDUSA**  
[FF-3](#)

CONTINUED MOTION TO SET ASIDE DISMISSAL OF CASE  
1-24-2026    [[51](#)]

ELISEI BRANDUSA/MV  
GARY FRALEY/ATTY. FOR DBT.  
DISMISSED 01/09/2026

TENTATIVE RULING:       This matter will proceed as scheduled.

DISPOSITION:         Granted if the Moving Party adequately supplements the  
record at the hearing.

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 motion was initially set for hearing on February 24, 2026 but was continued to April 2, 2026 to allow the debtor to resolve the improper service issue. Order, Doc. #63. The chapter 13 trustee timely filed a response the motion. Doc. #57. 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.

Elisei Brandusa ("Debtor") moves the court to set aside the order dismissing Debtor's chapter 13 case and to reinstate Debtor's chapter 13 plan. Doc. #51.

Debtor's bankruptcy case was dismissed on January 9, 2026, after failing to bring delinquent plan payments current. Doc. #48.

Debtor moves under Federal Rule of Civil Procedure ("Rule") 60(b), incorporated to this proceeding by Federal Rule of Bankruptcy Procedure 9024, to vacate the dismissal of his bankruptcy case. Rule 60(b)(1) permits the court to grant relief from a final order for, *inter alia*, mistake, inadvertence, surprise, excusable neglect, or any other reason that justifies relief. Rule 60(b)(1); Doc. #51. A motion to reconsider an order is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." Kona Enters. v. Estate of Bishop, 299 F.3d 877, 890 (9th Cir. 2000); see also Berman v. Freedom Fin. Network, LLC, 30 F.4th 849 (9th Cir. 2022) (applying the standard to Rule 60(b)).

Debtor argues that the order dismissing his chapter 13 case should be vacated under Rule 60(b) because of excusable neglect. "[F]or purposes of Rule 60(b), 'excusable neglect' is understood to encompass situations in which the failure to comply with a filing deadline is attributable to negligence." Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 394 (1993). The determination of "what sorts of neglect will be considered 'excusable' . . . is at bottom an equitable one, taking account of all relevant circumstances surrounding the party's omission." Id. at 395. Relevant circumstances include "the danger of prejudice to the debtor, the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith." Id.

A condition of granting relief under Rule 60(b) is that the requesting party show that there is a meritorious claim or defense. This does not require a showing that the moving party will or is likely to prevail in the underlying action. Rather, the party seeking the relief must allege enough facts, which if taken as true, allows the court to determine if it appears that such defense or claim could be meritorious. 12 JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE ¶¶ 60.24[1]-[2] (3d ed. 2010); Falk v. Allen, 739 F.2d 461, 463 (9th Cir. 1984).

The court will grant Debtor's motion to vacate the dismissal due to excusable neglect if the record is adequately supplemented at the hearing. Debtor filed this chapter 13 bankruptcy petition on May 31, 2022. Doc. #1. The first chapter 13 plan ("Plan") was confirmed on July 26, 2022. Doc. #14. The Plan was a 36-month plan with the possibility of extending the Plan to 42 months if needed to complete payments of claims. Id. The chapter 13 trustee ("Trustee") previously filed a motion to dismiss Debtor's case due to delinquent plan payments on April 15, 2024, but the motion to dismiss was withdrawn when Debtor became current on plan payments. Doc. ##19, 23. Debtor asserts the Plan was completed when he made his 42nd payment in November 2025 and filed an objection to claim of Ana Triscas to be disallowed in its entirety ("Objection"). Doc. ##28, 51. Trustee filed a second motion to dismiss Debtor's case due to delinquent plan payments on December 9, 2025, which was granted on January 9, 2026. Doc. ##38, 49. Because Trustee's motion to dismiss case was granted, the Objection was dropped as moot. Doc. #47.

Debtor's counsel states that neglect arose from the failure of his office to calendar the due date for the response to Trustee's motion to dismiss and the failure of Debtor's counsel to get into contact with Trustee's office to request a continuance of Trustee's motion to dismiss until after the Objection was resolved. Doc. #51; Decl. of Gary Ray Fraley, Doc. #53; Decl. of Christopher Kohr, Doc. #54. Trustee objects to granting the instant motion because regardless of whether this court grants or denies the Objection, Debtor's plan term has completed, and Debtor will still be delinquent in plan

payments, which Debtor will not be able to pay according to Debtor's Schedule I and J. Doc. #57; Decl. of Kristen Koo, Doc. #58. In response, Debtor believes that granting the Objection will resolve Debtor's delinquency issue and allow Debtor to receive his discharge. Doc. #60.

The court finds that refusing to vacate the dismissal order would be highly prejudicial to Debtor, the length of delay between dismissal and Debtor's request to vacate dismissal is minimal, and Debtor acted in good faith. The court finds that Debtor has established excusable neglect under Rule 60(b). However, it is not clear to the court that the Objection should be sustained, and the court makes no determination regarding the Objection. Prior to vacating the dismissal, Debtor needs to clarify on the record how Debtor would provide for any delinquency if the court were to vacate the dismissal and overrule the Objection.

Accordingly, subject to Debtor adequately supplementing the record at the hearing, this motion will be GRANTED. The order entered on January 9, 2026 (Doc. #48) dismissing Debtor's bankruptcy case will be VACATED without prejudice to any actions taken by creditors in reliance on the dismissal order.

15. [26-10087](#)-A-13     **IN RE: MARI RUB-FERRELL**  
[LGT-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS  
2-24-2026   [\[21\]](#)

LILIAN TSANG/MV

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

DISPOSITION:     Sustained.

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

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of 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 sustaining of the objection. 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 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.

Lilian G. Tsang ("Trustee"), the chapter 13 trustee in the bankruptcy case of Mari Angela Rub-Ferrell ("Debtor"), objects to Debtor's claims of exemption in Debtor's assets. Doc. #21. Debtor claims an exemption in all property using the federal exemption scheme set forth 11 U.S.C. § 522(d). Schedule C, Doc. #1; Am. Schedule C, Doc. #32. Debtor filed an amended Schedule C on March 5, 2026, however the amended Schedule C still claims exemptions pursuant to 11 U.S.C. § 522(d), so does not resolve this objection. Doc. #21; Am. Schedule C, Doc. #32. Debtor has not otherwise responded to Trustee's objection.

Debtor cannot elect exemptions under 11 U.S.C. § 522 because California has opted out of the federal exemption scheme. Section 522 of the Bankruptcy Code “provides a default list of exemptions, but allows states to opt out of the federal scheme and define their own exemptions.” Phillips v. Gilman (In re Gilman), 887 F.3d 956, 964 (9th Cir. 2018). California has opted out of the federal system and the validity of exemptions are controlled by California law. Cal. Civ. Proc. Code § 703.130; Gilman, 887 F.3d at 964; Diaz v. Kosmala (In re Diaz), 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). “A California debtor in bankruptcy must elect between two sets of exemptions under California law, one which applies to debtors generally and the other which applies to debtors in bankruptcy.” Wolfson v. Watts (In re Watts), 298 F.3d 1077, 1080 (9th Cir. 2002); C.C.P. § 703.140(a).

Accordingly, Trustee’s objection is SUSTAINED.

16. [25-26590](#)-A-13     **IN RE: MICHAEL JAMES MERCADO**  
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P CUSICK  
3-9-2026    [45]

DAVID CUSICK/MV  
PETER MACALUSO/ATTY. FOR DBT.

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

DISPOSITION:         Overruled as moot.

ORDER:                The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtor filed a first amended plan on March 18, 2026 (PGM-1, Doc. #54), with a motion to confirm the modified plan set for hearing on April 23, 2026 at 9:30 a.m. Doc. ##50-54, 56.

17. [25-26590](#)-A-13     **IN RE: MICHAEL JAMES MERCADO**  
[DPC-2](#)

MOTION TO DISMISS CASE  
3-6-2026    [41]

DAVID CUSICK/MV  
PETER MACALUSO/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.

The trustee’s motion to dismiss will be continued to April 23, 2026 at 9:30 a.m. to be heard with the hearing on the debtor’s motion to confirm plan (PGM-1). Doc. ##50-54, 56.

18. [25-26590](#)-A-13     **IN RE: MICHAEL JAMES MERCADO**  
[SKI-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TD BANK, N.A.  
2-11-2026    [[34](#)]

TD BANK, N.A./MV  
PETER MACALUSO/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.  
WITHDRAWN

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

DISPOSITION:       Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on March 19, 2026.  
Doc. #59.

19. [25-14193](#)-A-13     **IN RE: ANA DUENAS**  
[LGT-1](#)

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

STEVEN ALPERT/ATTY. FOR DBT.  
WITHDRAWN

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

DISPOSITION:       Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on March 10, 2026.  
Doc. #18.

20. [23-22194](#)-A-13     **IN RE: ALEXANDER/CASSIE REYES**  
[DPC-1](#)

MOTION TO DISMISS CASE  
3-3-2026    [[22](#)]

DAVID CUSICK/MV  
MIKALAH LIVIAKIS/ATTY. FOR DBT.  
DISMISSED 3/24/26

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

DISPOSITION:       Denied as moot.

ORDER:             The court will issue an order.

An order dismissing the bankruptcy case was entered on March 24, 2026. Doc. #28. Therefore, this motion to dismiss will be DENIED AS MOOT.

21. [25-26195](#)-A-13     **IN RE: LAURA BLAKE-WALLS**  
[CRG-1](#)

OBJECTION TO CLAIM OF LVNV FUNDING, LLC, CLAIM NUMBER 17  
2-11-2026    [[17](#)]

LAURA BLAKE-WALLS/MV  
CARL GUSTAFSON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Overruled as moot.

ORDER:             The court will issue an order.

This objection to claim is OVERRULED AS MOOT. The creditor filed an amended proof of claim on February 23, 2026.

11:00 AM

1. [25-12112](#)-A-13 **IN RE: KA VANG**  
[25-1046](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
10-9-2025 [[1](#)]

VANG V. VANG  
DAVID GILMORE/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

At the adversary proceeding status conference, the parties should be prepared to explain to the court why the parties have not filed a joint discovery plan as required by the Order to Confer on Initial Disclosures and Setting Deadlines filed in this adversary proceeding on October 9, 2025 (Doc. #5).

2. [24-11422](#)-A-12 **IN RE: IGNACIO/CASAMIRA SANCHEZ**  
[26-1002](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
2-3-2026 [[1](#)]

SANCHEZ ET AL V. ARRIOLA FARM LABOR, INC.  
PETER SAUER/ATTY. FOR PL.

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

DISPOSITION: Continued to April 16, 2026 at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the status report filed by the plaintiff on March 31, 2026 (Doc. #10), the status conference will be continued to April 16, 2026 at 11:00 a.m. The parties shall file either joint or unilateral status report(s) not later than April 9, 2026.

3. [22-10825](#)-A-7 **IN RE: JAMIE/MARIA GARCIA**  
[22-1018](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
8-19-2022 [[1](#)]

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL  
VIVIANO AGUILAR/ATTY. FOR PL.  
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar

NO ORDER REQUIRED.

Judgments in favor of the plaintiffs as to each defendant were entered on March 30, 2026. Doc. ##283, 285, 287. Therefore, this status conference is dropped from calendar. This adversary proceeding may be administratively closed when appropriate.

4. [19-11628](#)-A-12     **IN RE: MIKAL JONES**  
[19-1081](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
6-28-2019     [[1](#)]

DILDAY ET AL V. JONES  
RILEY WALTER/ATTY. FOR PL.  
RESPONSIVE PLEADING

TENTATIVE RULING:     This matter will proceed as scheduled.

DISPOSITION:     Continue to May 7, 2026 at 11:00 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.

Pursuant to the joint status report filed on March 24, 2026 (Doc. #238), the status conference will be continued to May 7, 2026 at 11:00 a.m. The parties shall file either joint or unilateral status report(s) not later than April 30, 2026.

5. [21-10853](#)-A-12     **IN RE: MIKE WEBER**  
[26-1001](#)     [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
2-3-2026     [[1](#)]

WEBER V. ADVANCE AMERICA, CASH ADVANCE CENTERS OF CA, LLC  
PETER SAUER/ATTY. FOR PL.

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

DISPOSITION:     Continued to May 28, 2026 at 11:00 a.m.

ORDER:     The court will issue an order.

Pursuant to the status report filed by the plaintiff on March 31, 2026 (Doc. #10), the status conference will be continued to May 28, 2026 at 11:00 a.m. The parties shall file either joint or unilateral status report(s) not later than May 21, 2026.

6. [23-10963](#)-A-7     **IN RE: JESUS GUERRA**  
[24-1033](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT  
9-18-2024    [1]

GUERRA V. ADAMS ET AL  
HENRY NUNEZ/ATTY. FOR PL.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:               Continue to June 25, 2026 at 11:00 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.

Pursuant to the joint status report filed on March 26, 2026 (Doc. #135), the pre-trial conference will be continued to June 25, 2026 at 11:00 a.m. The parties shall file either joint or unilateral status report(s) not later than June 18, 2026.

7. [19-15081](#)-A-13     **IN RE: CHRISTOPHER/KERRI TYSON**  
[25-1023](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
2-3-2026    [39]

TYSON ET AL V. AMERICAN EDUCATION SERVICES ET AL  
SCOTT LYONS/ATTY. FOR PL.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:               Continue to May 21, 2026 at 11:00 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 parties have stipulated to extend the time for the defendant to answer the complaint to April 17, 2026. Doc. #43. Accordingly, the court intends to continue the initial status conference in this adversary proceeding to May 21, 2026 at 11:00 a.m. The parties shall comply with the requirements in the Order to Confer on Initial Disclosures and Setting Deadlines filed in this adversary proceeding on May 30, 2025 based on the new status conference date of May 21, 2026.

8. [25-20483](#)-A-7 **IN RE: BARRIE EVES**  
[25-2059](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
9-9-2025 [[31](#)]

GIRON ET AL V. EVES  
KIMBERLY AHRENS/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

9. [23-24596](#)-A-7 **IN RE: TIMOTHY ADKINS**  
[24-2027](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
3-26-2024 [[1](#)]

ADKINS V. ADKINS  
RESPONSIVE PLEADING

NO RULING.

10. [22-90296](#)-A-11 **IN RE: PROVIDENT CARE, INC.**  
[25-2154](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: NOTICE OF REMOVAL  
12-22-2025 [[1](#)]

PROVIDENT CARE, INC. V. GRIMSON  
RAMSEY KAWAR/ATTY. FOR PL.  
CLOSED 3/4/26

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

DISPOSITION: Dropped from calendar

NO ORDER REQUIRED.

An order remanding this matter to state court was entered on February 27, 2026. Doc. #11. Therefore, this status conference is dropped from calendar. The adversary proceeding was closed on March 4, 2026.