



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Department B - 510 19th Street  
Bakersfield, California**

**Hearing Date: Wednesday, April 2, 2025**

***At this time, when in-person hearings in Bakersfield will resume is to be determined. No persons are permitted to appear in court for the time being. All appearances of parties and attorneys shall be as instructed below.***

Unless otherwise ordered, all matters before the Honorable René Lastreto II shall be simultaneously: (1) via **ZoomGov Video**, (2) via **ZoomGov Telephone**, and (3) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties or their attorneys 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/attorney 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 and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys 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 who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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.

**Post-Publication Changes:** 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 any possible updates.

9:00 AM

1. [23-11103](#)-B-13     **IN RE: MIGUEL BELLO**  
[RSW-2](#)

MOTION TO MODIFY PLAN  
2-13-2025     [\[55\]](#)

MIGUEL BELLO/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.

Miguel Bello ("Debtor") moves for an order confirming the *Second Modified Chapter 13 Plan* dated February 13, 2025. Docs. #55, #59. Debtor's current plan, dated July 13, 2024, was confirmed on September 4, 2024. Docs. #47, #52.

No party has timely objected.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

The motion requests that the confirmed plan be modified as follows:

1. Section 2.01 is modified. Debtor shall pay an aggregate of \$12,439.00 through February 2025. Beginning March 2025 and for the life of the plan, the monthly payment will be increase from \$1,010.00 to \$1,200.00
2. Section 3.06 is modified to provide that Debtor's counsel shall be paid \$340.02 monthly through February 2025 and \$78.47 per month thereafter.
3. Section 3.07 is modified to provide that Class 1 secured creditor Selene Finance shall be paid a total of \$9,610.44 through February 2025. Regular monthly mortgage payments shall resume in March 2025 at \$709.64 per month, and all missed payments shall be paid by month 60.
4. Section 3.07 is further modified to provide that Class 1 secured creditor Selene Finance shall be paid a total of \$1,027.98 on arrearage through February 2025. Beginning March 2025, monthly payments of \$235.72 shall be paid on arrears.

5. The dividend to unsecured creditors will remain at 0%.
6. The plan is otherwise unchanged.

Doc. #59.

Debtor declares that this modification is necessary because Debtor was temporarily unemployed but has since obtained new employment. Doc. #58. This is confirmed by Debtors' *Amended Schedule I & J*, which reflects a monthly net income of \$1,213.34, up from \$1,013.34 which was their monthly net income as calculated in the prior Schedule I & J. Docs. #49, #61.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

2. [24-10403](#)-B-13     **IN RE: VICKI/ANGELA VALENTYN**  
[LGT-4](#)

MOTION TO DISMISS CASE  
2-7-2025    [\[64\]](#)

LILIAN TSANG/MV  
WILLIAM EDWARDS/ATTY. FOR DBT.  
WITHDRAWN 3/20/25

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

DISPOSITION:     Withdrawn.

No order is required.

On March 20, 2025, the Trustee withdrew this *Motion for Dismissal*. Doc. #78. Accordingly, this motion is WITHDRAWN.

3. [24-10403](#)-B-13     **IN RE: VICKI/ANGELA VALENTYN**  
[WEE-2](#)

MOTION TO CONFIRM PLAN  
3-9-2025    [\[68\]](#)

ANGELA VALENTYN/MV  
WILLIAM EDWARDS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to May 7, 2025, at 9:00 a.m.

ORDER:             The court will issue an order.

Vicki and Angela Valentyn ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated March 9, 2025. Doc. #71. No plan has been confirmed so far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The plan proposes a monthly payment of \$3,546.37, which is inadequate to complete plan payments within 60 months. Trustee calculates that the monthly plan payment must be increased to at least \$3,559.72.
2. The plan provides for payment of attorney fees exceeding the fixed compensation allowed in LBR 2016-1(c). No selection was made in Section 3.05 of the original plan. Therefore, while the box for compliance with LBR 2016-1(c) was checked in the plan before the court, the attorney of record must still seek approval of his fees through a fee application filed with the court. The first selection of counsel controls.
3. Debtor failed to confirm the plan on 35-days' notice as required by LBR 3016-1(d)(1), Fed. R. Bankr. P. 2002(a)(9), Fed. R. Bankr. P. 2002(b), and LBR 9014-1(f)(1).

Doc. #53.

On March 18, 2025, U.S. Bank National Association, as Trustee for Bank Of America Funding Corporation, Mortgage Pass-Through Certificates, Series 2006-G ("U.S. Bank"), also filed an opposition to confirmation for the following reason(s):

1. The plan does not fully provide for the arrearage owed by Debtors to U.S. Bank.
2. The plan is not feasible.

Doc. #75.

This motion to confirm plan will be CONTINUED to **May 7, 2025, at 9:00 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or all objections to confirmation are withdrawn, the Debtors shall file and serve a written response to the objections no later than fourteen (14) days before the continued hearing date. The response shall specifically address each issue raised in the

objection(s) to confirmation, state whether each issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

If the Debtor elects to withdraw the 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 seven (7) days before the continued hearing date. If the Debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

4. [19-14713](#)-B-13     **IN RE: DARWIN MAMARADLO**  
[LGT-1](#)

OBJECTION TO DISCHARGE BY LILIAN G. TSANG  
2-24-2025    [\[91\]](#)

WILLIAM OLCOTT/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. Order preparation determined at the hearing.

Lilian G. Tsang, the Standing Chapter 13 Trustee ("Trustee"), objects to entry of a Chapter 13 discharge for Darwin Mamaradlo ("Debtor") on the grounds that Debtor received a discharge in a prior Chapter 7 case within the four years preceding his current Chapter 13 case, in contravention of 11 U.S.C.S. § 1328(f)(1). Doc. #91.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Here, Debtor's counsel did not respond to the motion, but the Debtor himself submitted a handwritten letter in opposition to the motion. Doc. #94. While short on both factual and legal arguments, the court elects to treat the Debtor's filing as a Response. Accordingly, this matter will proceed as scheduled. The objection will be sustained for the reasons outlined below.

This case was filed on November 8, 2019. Doc. #1. Debtor had previously filed a Chapter 7 case ("the Prior Case") on November 22, 2015, which was closed on March 18, 2016, after Debtor obtained a

discharge on March 16, 2016. Docs. #18, #16. The gap between the filing of the Prior Case and the filing of the current case was only 3 years, 11 months, 17 days, just 14 days short of the four-year cutoff before a new Chapter 13 case could be filed and, if completed, receive a discharge.

In Debtor's petition in the instant case, he checked the box marked "No." on Question 9 ("Have you filed for bankruptcy within the last eight years?"). Doc. #1. This statement was false. Later, on December 10, 2024, Debtor signed and filed an 11 U.S.C. 1328 Certificate, checking the box on Question B1 which said, "**I have NOT** received a discharge in a Chapter 7, 11 or 12 bankruptcy case filed within four (4) years prior to filing this case." Doc. #82. This statement was also false.

11 U.S.C.S. § 1328(f)(1) states in relevant part:

(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for in the plan or disallowed under section 502, if the debtor has received a discharge—

(1) in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter...

§ 1328(f)(1) (emphasis added). This provision is not discretionary with the court, and the operative language is "shall not grant a discharge" when the affected debtor has previously received a discharge in a Chapter 7 case within the 4-years before the filing of the current case. The court is fully constrained by that nonpermissive language. Accordingly, unless new evidence or persuasive authority is presented at the hearing, the court is inclined to SUSTAIN the Objection.

Nevertheless, this matter will proceed to a hearing. A cursory review of the comparatively small number of Ninth Circuit cases which have addressed § 1328(f)(1) have done so in the context of a trustee's objection to confirmation of the Chapter 13 plan or with regard to how § 1328(f)(1) affects a debtor's ability to engage in lien stripping in a "Chapter 20" case. *See generally* *Leavitt v. Finney (In re Finney)*, 486 B.R. 177 (B.A.P. 9th Cir. 2013) (objections to confirmation) and *Frazier v. Real Time Resolutions, Inc.*, 469 B.R. 889 (E.D. Cal. 2012) (lien stripping).

The court is aware of no Chapter 13 cases in this circuit in which a Debtor filed a new Chapter 13 case less than 4 years after the filing of a prior case, had a plan confirmed without objection from the Trustee, made payments for 60 months to plan completion, and was suddenly confronted with an Objection to Discharge. According to the California Bar Association's website, Debtor's counsel, William D. Olcott ("Olcott"), is suspended and on involuntary inactive status and has been for an undetermined length of time. No waiver of discharge was ever filed, nor was any objection to confirmation on the grounds that Debtor was ineligible for discharge. Debtor states in his handwritten Response to the Objection that he had not been advised of the four-year rule from § 1328(f) by Olcott and that, had

he known about that Code provision, he would have waited to file, as a delay of just two weeks would have been adequate. The court is very interested in learning how this state of affairs came about.

5. [25-10263](#)-B-13     **IN RE: MYLUM NICHOLSON**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-6-2025    [\[18\]](#)

DAVID CHUNG/ATTY. FOR DBT.  
WITHDRAWN 3/20/25

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

DISPOSITION:     Withdrawn.

No order is required.

On March 20, 2025, the Trustee withdrew this *Objection to Confirmation*. Doc. #22. Accordingly, this matter is WITHDRAWN.

6. [24-12864](#)-B-13     **IN RE: ALLAN/MADELINE WINANS**  
[RSW-1](#)

CONTINUED MOTION TO CONFIRM PLAN  
12-12-2024    [\[26\]](#)

MADELINE WINANS/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING:     This matter will proceed as scheduled.

DISPOSITION:     To be determined at the hearing.

ORDER:     The minutes of the hearing will be the court's findings and conclusions. Order preparation determined at the hearing.

This matter was originally heard on February 5, 2025. Doc. #26. It was continued to March 5, 2025, and then to April 2, 2025. Docs. #42, #48.

Allan and Madeline Winans ("Debtor") move for an order confirming the *First Modified Chapter 13 Plan* dated December 12, 2024. Doc. #30. No plan has been confirmed thus far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The modified plan proposes to move Carmax Business Services LLC ("CarMax") from Class 2 to Class 3. However, the plan does not address the \$336.29 payment which Trustee distributed to Carmax under the original plan.



2. The modified plan proposes to treat Ally Financial Inc. as a Class 2 creditor and pay the value of the auto securing the claim, but no motion for valuation has been filed, let alone ruled upon.
3. The modified plan calls for a monthly plan payment of \$1,230.00 for 36 months. However, the case was filed on October 1, 2024, and December 2024 was month 2 of the plan. Accordingly, under the modified plan as written, Debtor is delinquent by \$16.00 for the December payment, with additional \$1,230.00 payments accruing.

Doc. #40. On February 13, 2025, the Debtors responded to the Objection, with Debtors' counsel stating candidly that the plan is not ready for confirmation because Debtor has gained new employment, and Co-Debtor has learned that she will soon begin receiving monthly payments from a trust left by a relative. Doc. #45. Debtors' counsel averred that the Debtors will soon be filing amended documents and that the plan payment may need to be increased. *Id.* Debtors requested that this matter be continued (*Id.*), and the Trustee concurred. Doc. #46.

However, nothing new has been filed by Debtors since the order continuing this matter that was entered on March 5, 2025. Doc. #48.

Unless the Trustee withdraws the objection, this matter will be called as scheduled to determine whether Debtors have resolved the Trustee's objections. If so, the court may GRANT this motion. If not, the court may SUSTAIN the Objection and DENY the motion.

7. [24-13665](#)-B-13     **IN RE: JUSTIN/SHARLENE TUEY**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
2-5-2025    [\[23\]](#)

LILIAN TSANG/MV  
D. GARDNER/ATTY. FOR DBT.

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

DISPOSITION:     Overruled a moot.

ORDER:             The court will issue an order.

This objection was originally heard on March 5, 2025. Doc. #38.

On February 5, 2025, Chapter 13 trustee Lilian G. Tsang ("Trustee") objected to confirmation of the Chapter 13 Plan filed by Justin and Sharlene Tuey (collectively "Debtors") on January 3, 2025. Doc. #23. On March 26, 2025, Debtors filed their *First Amended Chapter 13 Plan*. Doc. #48. Accordingly, this Objection will be OVERRULED AS MOOT.

On March 26, 2025, Debtors filed their *First Amended Chapter 13 Plan*. Doc. #48. On March 31, 2025, GMF withdrew the objection. Doc.

#55. Accordingly, this Objection is WITHDRAWN. The court notes that even without the withdrawal, the Objection would still have been overruled as moot.

8. [24-13665](#)-B-13     **IN RE: JUSTIN/SHARLENE TUEY**  
[SKI-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN  
BY AMERICREDIT FINANCIAL SERVICES, INC  
1-31-2025    [\[18\]](#)

AMERICREDIT FINANCIAL SERVICES, INC./MV  
D. GARDNER/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.

**After posting the original pre-hearing dispositions, the court has supplemented its intended ruling on this matter.**

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

DISPOSITION:     Withdrawn.

No order is required.

This objection was originally heard on March 5, 2025. Doc. #38.

On January 31, 2025, Americredit Financial Services, Inc. d/b/a GM Financial ("GMF") objected to confirmation of the Chapter 13 Plan filed by Justin and Sharlene Tuey (collectively "Debtors") on January 3, 2025. Doc. #18. The matter was continued to April 2, 2025. Doc. #39.

On March 26, 2025, Debtors filed their *First Amended Chapter 13 Plan*. Doc. #48. On March 31, 2025, GMF withdrew the objection. Doc. #55. Accordingly, this Objection is WITHDRAWN. The court notes that even without the withdrawal, the Objection would still have been overruled as moot.

9. [25-10077](#)-B-13     **IN RE: CRYSTAL JACKSON**  
[RSW-2](#)

MOTION TO CONFIRM PLAN  
2-26-2025    [\[20\]](#)

CRYSTAL JACKSON/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.

Crystal Jackson ("Debtor") seeks an order confirming the *Chapter 13 Plan* dated February 6, 2025. Doc. #17. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Plan payments of \$2,862.00 per month.
2. Outstanding Attorney's fees in the amount of \$7,500.00 to be paid through the plan.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
  - a. Wells Fargo Home Mortgage (Class 1, Mortgage). Arrearage of \$62,985.27 to be paid at \$,049.75 per month at 0% interest. Post-petition monthly payment of \$1,412.66.
4. A dividend of 0% to unsecured creditors.

Doc. #17.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the chapter 13 trustee, 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 amounts of damages). *Televideo Sys., 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 movant has done here.

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

10. [24-13580](#)-B-13     **IN RE: CHRISTOPHER ADAMES**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
1-24-2025    [\[13\]](#)

LILIAN TSANG/MV  
JAMES BEIRNE/ATTY. FOR DBT.  
DISMISSED 3/17/25

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

DISPOSITION:        Overruled as moot.

No order is required.

On March 17, 2025, the court entered an order granting Debtor's request for voluntary dismissal of this case. Doc. #29. Accordingly, this Objection will be OVERRULED as moot.

10:00 AM

1. [25-10103](#)-B-7     **IN RE: DANIEL GODBOUT**  
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-6-2025    [\[12\]](#)

THE HUNTINGTON NATIONAL BANK/MV  
R. BELL/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION:     Granted.

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

Huntington National Bank ("Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2022 Genesis Supreme Powerlite 2314 (VIN: 7HN1BEH24NP474217) ("Vehicle"). Doc. #12. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. 4001(a)(3). *Id.*

Daniel Godbout ("Debtor") did not file opposition. Movant gained possession of the Vehicle pre-petition December 4, 2024.

As an informative matter, the notice did not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice of hearing to include the names and addresses of persons who must be served with any opposition. Movant did not include the U.S. Trustee as a person to serve. *See Doc. #13.* However, it appears that Movant took possession of the Vehicle prior to the filing of the case, and the Vehicle is not listed as an asset of the estate, so the court is willing to overlook this defect in the absence of any objections raised. Counsel is advised to review the local rules and ensure procedure compliance in subsequent matters.

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

*prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor has missed eight (8) pre-petition payments totaling \$2,132.20. Docs. #15-16. Additionally, Movant recovered possession of the Vehicle pre-petition on December 4, 2024. *Id.* Since the Vehicle has been recovered, the only issue is disposition of the collateral.

The court also finds that the Debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because Debtor is in chapter 7. The Vehicle is valued at \$31,650.00 and Debtor owes \$52,771.81. Doc. #16.

Accordingly, the motion will be granted pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) to permit the Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because Debtor has failed to make eight (8) pre-petition payments to Movant and the Vehicle is a depreciating asset. The Vehicle is also in Movant's possession.

2. [25-10499](#)-B-7     **IN RE: JEFFREY REICH**  
[PBB-1](#)

MOTION TO COMPEL ABANDONMENT  
3-14-2025    [\[21\]](#)

JEFFREY REICH/MV  
PETER BUNTING/ATTY. FOR DBT.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Granted.

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

Jeffrey Reich ("Debtor") moves for an order compelling chapter 7 trustee Irma C. Edmonds ("Trustee") to abandon the estate's interest in property used in the operation of Debtor's business assets

(collectively, the "Business Assets"), including the right to use the fictitious name "The Law Office of Jeff Reich" ("the Law Firm"). Doc. #21.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court is inclined to GRANT this motion.

This motion was filed and served 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.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate."

To grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. *In re Vu*, 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." *In re K.C. Mach. & Tool Co.*, 816 F.2d 238, 246 (6th Cir. 1987). In evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. *In re Johnson*, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). *In re Galloway*, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at \*16-17 (B.A.P. 9th Cir. 2014).

Debtor is the owner and operator of the Law Firm and all the associated Business Assets. Doc. #28. Debtor seeks to compel Trustee to abandon the Business Assets, which are listed in the schedules as follows:

Asset	Value	Exempt	Lien	Net
Bank of America Business Checking #3421	\$127.48	\$2,000.00	\$0.00	\$0.00
Citibank Business Checking #0038	\$0.00	\$0.00	\$0.00	\$0.00
State Bar License	\$0.00	\$0.00	\$0.00	\$0.00
Accounts Receivable	\$6,000.00	\$7,000.00	\$0.00	\$0.00
Cellphones, three (3) desktop computers, two (2) printers, office supplies	\$700.00	\$800.00	\$0.00	\$0.00

DBA: The Law Office of Jeff Reich	\$0.00	\$100.00	\$0.00	\$0.00
Legal files belonging to clients (in storage)	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>	\$6,827.48	\$9,900.00		\$0.00

Doc. #23; Doc. #1 (Schedule A/B). None of the Business Assets are encumbered by any secured creditors. Doc. #23; Doc. #1 (Schedule D). Debtor exempted all the Business Assets for their full value with the Wild Card Exemption in Cal. Code Civ. Proc. § 703.140(b)(5). Doc. #23; Doc. #1 (Schedule C).

Debtor contends that he has no employees, that there are not sufficient non-exempt proceeds of the Business Assets to provide any distribution to unsecured creditors, and that the value of the Business Assets is inconsequential to the estate. Docs. #21, #23. Further, Debtor certifies that Debtor was qualified and eligible to claim the exemptions under applicable law and understands that if for any reason it is determined that Debtor is not qualified to claim an exemption in the property listed, or if there is some other error in the exemption claimed, Trustee may demand that Debtor compensate the estate for any damage caused by the claimed exemption. *Id.* Debtor agrees to not amend the exemptions affecting the Business Assets unless Trustee stipulated to that amendment or such relief is granted by further order of the court. *Id.*

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court will find that the Business Assets are of inconsequential value and benefit to the estate. The Business Assets were accurately scheduled and is encumbered or exempted in their entirety. Therefore, the court intends to GRANT this motion.

The order shall specifically include the property to be abandoned.



10:30 AM

1. [25-10654](#)-B-11     **IN RE: BIG VALLEY COLD STORAGE LLC.**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
3-17-2025    [\[15\]](#)

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

DISPOSITION:     Continued to April 8, 2025, at 9:30 a.m.

ORDER:             The court will issue an order.

The court's motion to dismiss *Order to Show Cause re Dismissal and/or Imposition of Sanctions, or Appointment of Trustee, for Failure to Tender Fees or an Application to Pay Fees in Installments with Bankruptcy Petition* will be continued to April 8, 2025, at 9:30 a.m., to be heard in connection with the court's *Order to Show Cause Why Case Should Not Be Dismissed, Other Orders Issued and Setting Hearing and Response Deadlines*. See, Doc. #5; CAE-1.

11:30 AM

1. [24-13494](#)-B-7      **IN RE: GLORIA PEREZ**

PRO SE REAFFIRMATION AGREEMENT WITH LAKEVIEW LOAN SERVICING, LLC  
3-4-2025    [[15](#)]

NO RULING.