



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Department B – Courtroom #13  
Fresno, California  
Hearing Date: Tuesday, April 8, 2025**

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties 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.

9:30 AM

1. [25-10619](#)-B-11 **IN RE: BLACK ROCK MINING, LLC**  
[MB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-25-2025 [[26](#)]

COMMERCIAL CREDIT GROUP INC./MV  
STEPHEN WADE/ATTY. FOR DBT.  
HAGOP BEDOYAN/ATTY. FOR MV.  
COMMERCIAL CREDIT GROUP INC. VS.

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 will submit a proposed order after hearing.

Commercial Credit Group Inc. ("CCG" or "Movant") seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to its collateral ("the Collateral") securing six loans ("the Loan Agreements") identified in the moving papers and belonging to Black Rock Mining, LLC ("Debtor"), the debtor in the above-styled Chapter 11 case. Doc. #26. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. ("Rule") 4001(a)(4). *Id.* Debtor did not oppose.

The motion is supported by the Declaration of Michael Mikulan, Assistant Vice-President of Operations for Movant, and Exhibits consisting of copies of the six Loan Agreements and a Certificate of Liability Insurance. Doc. #31. The Collateral includes the following items:

MAKE	MODEL	YEAR	DESCRIPTION	SERIAL NO./VIN	EX
<b>Kenworth</b>	<b>T680</b>	<b>2016</b>	<b>Dump Truck</b>	<b>1NKYLP9X1GJ481799</b>	<b>1</b>
<b>Kenworth</b>	<b>T680</b>	<b>2016</b>	<b>Dump Truck</b>	<b>1NKYLP9X1GJ481802</b>	<b>1</b>
<b>Homemade</b>		<b>2004</b>	<b>Pup Trailer</b>	<b>1Z9T021294P102043</b>	<b>1</b>
<b>Superior</b>		<b>2015</b>	<b>Pup Trailer</b>	<b>1S9S00007F0009724</b>	<b>1</b>
Volvo	MP-V500GF	2022	500 KW diesel generator motor	20220628385	2
Caterpillar	950G	1999	Wheel Loader	2JS00647	2
Hyundai	ROBEX450 LC-7	2005	Hydraulic Excavator Model	NB0110019	2
Caterpillar	972G, Series 2	2005	Wheel Loader with enclosed cab	CAT0972GPAWP00607	3
Caterpillar	988F	1998	Wheel Loader with Spade Nose Bucket with Teeth	2ZR01398	3

Ford	F450	2022	Pick-up Truck	1FT8WDT7NEC65201	3
Terex/Finlay	C1540S	2022	Track Cone Crusher	TRX1540SHCON27621	4
Euclid	307ND	1983	Haul Truck	71900	5
Elms	6x10 CT	2006	Power Van	M3894ER06CT	5
Extec		2001	Turbo Diesel Powered Mobile Screen	6428	5
<b>ASVE</b>		<b>1993</b>	<b>Custom Built 23-foot end dump trailer</b>	<b>DMVPS27896NV</b>	<b>5</b>
Sandvik	QA335	2019	Mobile Doublescreen	QA335-10044	6

Doc. #30. Items in bold and italics are items which, according to the Motion and the Declaration, are not listed on Debtor's Schedule A/B nor on the Certificate of Liability Insurance. *Id.* The Declaration further avers that, as of the petition date, the unpaid principal on the Loan Agreements was \$1,323,452.23, plus accrued interest in the amount of \$95,401.24 and late/bank fees totaling \$14,001.77, for a total of \$1,432,855.24, with interest accruing at \$661.73 per diem. *Id.* Movant declares that Debtor has made no post-petition payments on any of the Loan Agreements, though the court notes that less than one month passed between the petition date and the filing of the instant motion. *Id.*

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

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. § 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 Debtor has failed to maintain insurance on at least some of the Collateral. "A debtor's failure to insure property can be a basis to grant a secured creditor relief from stay under § 362(d)(1) for lack of adequate protection of its collateral." *Palacios v. Upside Invs. LP (In re Palacios)*, No. CC-12-1502-KiPaTa, 2013 Bankr. LEXIS 3943, at \*10 (B.A.P. 9th Cir. Apr. 15, 2013)

In the absence of any opposition at the hearing, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) 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. The 14-day stay of Rule 4001(a)(4) will be ordered waived because Debtors has failed to make at least one post-petition payment to Movant and because some of the Collateral is uninsured.

2. [24-12751](#)-B-11     **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**  
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION  
9-22-2024    [[1](#)]

PETER FEAR/ATTY. FOR DBT.

NO RULING.

3. [24-12751](#)-B-11     **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**  
[FRB-3](#)

FINAL HEARING RE: MOTION AUTHORIZING RECEIVER TO OBTAIN  
POST-PETITION FINANCING  
3-6-2025    [[147](#)]

AMERICAN AGCREDIT, PCA/MV  
PETER FEAR/ATTY. FOR DBT.

NO RULING.

4. [25-10654](#)-B-11     **IN RE: BIG VALLEY COLD STORAGE LLC.**  
[CAE-1](#)

ORDER TO SHOW CAUSE  
3-4-2025    [[5](#)]

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

DISPOSITION:     Case dismissed.

ORDER:             The court will issue an order.

On March 4, 2025, the court issued an Order to Show Cause in this matter, advising Big Valley Cold Storage LLC ("Debtor") that, pursuant to 28 U.S.C. § 1654 and Fed. R. Bankr. P. 9010(a), corporations or other unincorporated associations must appear in a federal court through an attorney. Doc. #5. The court directed that Debtor or its legal representative should appear before the court to show cause why this case should not be dismissed since Debtor has not appeared with counsel. *Id.* The court also directed that a written response to the Show Cause Order should be filed on or before April 1, 2025, and that

failure to file a conforming written response may result in dismissal of this case without further hearing. *Id.*

Debtor has failed to timely file a written response to this Order to Show Cause. Accordingly, this case is hereby DISMISSED. The Debtor and any affiliated corporation are enjoined from filing a bankruptcy proceeding without counsel.

5. [25-10654](#)-B-11     **IN RE: BIG VALLEY COLD STORAGE LLC.**

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

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

DISPOSITION:     Vacated as moot.

ORDER:             The court will issue an order.

On March 17, 2025, the court entered this Order to Show Cause ("OSC") arising from Debtor's failure to pay the Chapter 11 filing fees. Doc. #15. Previously, on March 4, 2025, the court entered an OSC to show cause why, *inter alia*, this case should not be dismissed for attempting to proceed in bankruptcy without an attorney, as required by 28 U.S.C. § 1654 and Fed. R. Bankr. P. 9010(a), which state that corporations or other unincorporated associations must appear in a federal court through an attorney. Doc. #5; *see Item #4, above*. The court has dismissed this case due to Debtor's failure to timely respond to the prior OSC. *Id.* Accordingly, the instant OSC shall be VACATED A MOOT.

11:00 AM

1. [25-10087](#)-B-7     **IN RE: CHRISTINA CHAVARRIA**

REAFFIRMATION AGREEMENT WITH WELLS FARGO BANK, N.A.  
3-11-2025     [\[16\]](#)

JASON VOGELPOHL/ATTY. FOR DBT.

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

DISPOSITION:     Denied.

ORDER:     The court will issue an order.

Debtor's counsel will inform debtor that no appearance is necessary.

A Reaffirmation Agreement between Christina Chavarria ("Debtor") and Wells Fargo Bank N.A. for a 2019 Honda Civic("Vehicle") was filed on March 11, 2025. Doc. #16.

11 U.S.C. § 524(c)(6)(A)(ii) states "An agreement between a holder of a claim and the debtor, the consideration for which, in whole or in part, is based on a debt that is dischargeable in a case under this title is enforceable only to any extent enforceable under applicable non-bankruptcy law, whether or not discharge of such debt is waived, only if the court approves such agreement as in the best interest of the debtor."

On Schedule J, Debtor does not include the reaffirmation payment to Les Schwab Tire Center (Doc. #11) in the amount of \$75.00 which would leave a negative net income of \$73.48. This agreement establishes a presumption of undue hardship. The Debtor has presented no evidence overcoming this presumption. That fact alone precludes the court from approving the reaffirmation agreement.

The court also finds no evidence that this Reaffirmation Agreement is in the best interest of the Debtor. No changes to the terms of the original obligation are proposed by Wells Fargo. Accordingly, approval of the Reaffirmation Agreement between Debtor and Wells Fargo Bank N.A. will be DENIED.

1:30 PM

1. [25-10015](#)-B-7     **IN RE: AMANDA JENSEN**  
[YW-1](#)

MOTION TO AVOID LIEN OF PACIFIC STATE PIPE  
3-6-2025    [\[11\]](#)

AMANDA JENSEN/MV  
LEONARD WELSH/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

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

Amanda Jensen ("Debtor") moves for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) in favor of Pacific State Pipe ("Creditor") in the sum of \$245,737.17 and encumbering residential real property located at 16632 Cattle Drive, Springville, CA ("Property"). Doc. #11.

Debtor complied with Fed. R. Bankr. P. 7004(b)(3) by serving Creditor's registered agent for service of process and on Creditor's CEO via first class mail on March 6, 2025. Doc. #16. Though not necessary because Creditor is not an insured depository institution within the meaning of Rule 7004(h), Debtor also served Creditor by certified mail and addressed to an officer.

No party in interest timely filed written opposition. This motion will be GRANTED.

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 chapter 7 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.



To avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). § 522(f)(1); *Goswami v. MTC Distrib. (In re Goswami)*, 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting *In re Mohring*, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992), *aff'd*, 24 F.3d 247 (9th Cir. 1994)).

Here, a judgment was entered against Debtor in favor of Creditor in the amount of \$245,737.17 on January 27, 2020, and amended on February 1, 2024, and again on July 30, 2024. Doc. #15 (Exhibit E). The abstract of judgment was issued on November 14, 2024, and was recorded in Tulare County on December 10, 2024. *Id.* That lien attached to Debtor's interest in Property. *Id.*; Doc. #14. Debtor estimates that the current amount owed on account of this lien is \$245,737.17. Doc. #14.

As of the petition date, Property had an approximate value of \$511,300.00. Doc. #1 (Schedule A/B). Debtor claimed a \$379,000.00 exemption in Property pursuant to Cal. Code Civ. Proc. ("CCP") § 704.730. Doc. #1 (Schedule C).

Property is encumbered by a first deed of trust in favor aSelect Portfolio Servicing, Inc. ("aSelect"). Doc. #1 (Schedule D). Debtor estimates that the current amount owed on account of that lien is \$171,081.49. *Id.* Property's encumbrances can be illustrated as follows:

Creditor	Amount	Recorded	Status
1. aSelect	\$171,081.49		Unavoidable
2. Creditor	\$245,737.17	12/10/24	Avoidable

When a debtor seeks to avoid multiple liens under § 522(f)(1) and there is equity to which liens can attach, the liens must be avoided in the reverse order of their priority. *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999). Liens already avoided are excluded from the exemption impairment calculation. *Ibid.*; § 522(f)(2)(B).

"Under the full avoidance approach, as used in *Brantz*, the only way a lien would be avoided 'in full' was if the debtor's gross equity were equal to or less than the amount of the exemption." *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 596 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999), citing *In re Brantz*, 106 B.R. 62, 68 (Bankr. E.D. Pa. 1989) ("Avoidance of all judicial liens results unless (3) [the result of deducting the

debtor's allowable exemptions and the sum of all liens not avoided from the value of the property] is a positive figure."), citing *In re Magosin*, 75 B.R. 545, 547 (Bankr. E.D. Pa. 1987) (judicial lien was avoidable in its entirety where equity is less than exemption).

This lien is the most junior lien subject to avoidance and there is not any equity to support the lien. Strict application of the § 522(f)(2) formula with respect to Creditor's junior lien is illustrated as follows:

Amount of judgment lien	245,737.17
Total amount of unavoidable liens (incl. liens not yet avoided)	+ 171,081.49
Debtor's claimed exemption in Property	+ 362,000.00
<i>Sum</i>	= \$416,818.66
Debtor's claimed value of interest absent liens	- \$511,300.00
Extent lien impairs exemption	= (\$94,481.34)

*All Points Capital Corp. v. Meyer (In re Meyer)*, 373 B.R. 84, 91 (B.A.P. 9th Cir. 2007); accord. *Hanger* 217 B.R. at 596, *Higgins v. Household Fin. Corp. (In re Higgins)*, 201 B.R. 965, 967 (B.A.P. 9th Cir. 1996); cf. *Brantz*, 106 B.R. at 68, *Magosin*, 75 B.R. at 549-50, *In re Piersol*, 244 B.R. 309, 311 (Bankr. E.D. Pa. 2000). Since there is no equity for liens to attach and this case does not involve fractional interests or co-owned property with non-debtor third parties, the § 522(f)(2) formula can be re-illustrated using the *Brantz* formula with the same result:

Fair market value of Property	\$511,300.00
Total amount of unavoidable liens (incl. liens not yet avoided)	- \$171,081.49
Homestead exemption	- 362,000.00
Remaining equity for judicial liens	= (\$21,781.49)
Creditor's judicial lien	- \$245,737.17
Extent Debtor's exemption impaired	= (\$267,518.66)

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is insufficient equity to support any judicial liens. Therefore, the fixing of Creditor's judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

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

2. [25-10217](#)-B-7     **IN RE: VIDAL/ANNA LUNA**  
[PPR-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR  
ADEQUATE PROTECTION  
3-6-2025    [\[17\]](#)

PRESTIGE FINANCIAL SERVICES, INC./MV  
BENNY BARCO/ATTY. FOR DBT.  
LEE RAPHAEL/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.

Prestige Financial Services, Inc. ("Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2017 Chevrolet Equinox (VIN: 2GNFLEK4H6162075) ("Vehicle"). Doc. #17. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. 4001(a)(3). *Id.*

Vidal and Anna Luna ("Debtors") did not file opposition and no party in interest timely filed written opposition. This motion will be GRANTED. Debtors' Statement of Intention indicated that the Vehicle would be surrendered.

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 Debtors have failed to make at least three (3) pre-petition payments and one (1) post-petition payment. The Movant has produced evidence that Debtors are delinquent at least \$2,542.84. Docs. #19, #21.

The court also finds that the Debtors do not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because Debtors are in chapter 7. The Vehicle is valued at \$8,197.00 and Debtors owe \$24,169.37. Doc. #21.

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. According to the Debtors' Statement of Intention, the Vehicle will be surrendered.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because Debtors have failed to make at least six post-petition payments to Movant, and the Vehicle is a depreciating asset.

3. [25-10719](#)-B-7     **IN RE: BENJAMIN NORRIS AND ERMA FLANAGAN**  
[KTS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-20-2025    [[23](#)]

TAMMY CHEN/MV  
CALVIN CLEMENTS/ATTY. FOR MV.  
FRANK CHEN VS.

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

DISPOSITION:        Denied as moot.

ORDER:                The court will issue an order.

As an informative matter, the notice did not contain the language required under LBR 9014-1(d)(3)(B)(iii), which requires movants to notify respondents that they can determine whether the matter has been resolved without oral argument or if the court has issued a tentative ruling by checking the Court's website at [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov) after 4:00 p.m. the day before the hearing.

Additionally, paragraph 3 of the Motion (Doc. 23) indicates 717 N. Lacy Street #2, Santa Ana, California 92701 as the premises but paragraph 2 of the prayer indicates 3301 Michelson Drive #1340, Irvine, California 92612 as the premises.

An order dismissing this case was entered on March 31, 2025. Doc. #33. The motion will be DENIED AS MOOT.

4. [25-10531](#)-B-7     **IN RE: EDMUND HANSON AND SUE SILVA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
3-12-2025    [[30](#)]

DISMISSED 3/14/25

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

DISPOSITION:     Dropped and taken off calendar.

NO ORDER REQUIRED.

An order dismissing the case was entered on March 14, 2025, (Doc. #31). Accordingly, this Order to Show Cause will be taken off calendar as moot. No appearance is necessary.

5. [25-10350](#)-B-7     **IN RE: RUSHDIEH MUSLEH**  
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR  
ADEQUATE PROTECTION  
2-27-2025    [[11](#)]

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION/MV  
LAYNE HAYDEN/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.

Specialized Loan Servicing LLC ("Movant") seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to 1185 East Ramblewood Drive, Dinuba, California 93618 ("Property"). Doc. #11. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. 4001(a)(3).

Rushdieh Musleh ("Debtor") did not oppose. No other party in interest timely filed written opposition. This motion will be GRANTED.

As an informative matter, the certificates of service filed in connection with this motion used an older version of the court's *Official Certificate of Service* form (EDC Form 7-005, Rev. 10/30/2024) instead of the most updated version of the form (EDC Form 7-005, Rev. 1/8/2025). Doc. #16. The correct form can be accessed on the court's website.

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 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.

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 Debtor has failed to make at least 35 complete pre-petition payments. The Movant has produced evidence that Debtor is delinquent at least \$69,483.93 and the entire balance of \$419,506.82 is due. Docs. ##13-14.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) 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)(4) will not be waived. Movant does not establish cause for the waiver.

6. [24-11372](#)-B-7     **IN RE: MONIQUE GRIJALVA**  
[JCW-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-10-2025    [\[31\]](#)

CAPITAL ONE AUTO FINANCE/MV  
BENNY BARCO/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.  
DISCHARGED 10/15/24

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

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

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

Capital One Auto Finance ("Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2013 Chevrolet Silverado (VIN: 3GCPCSE00DG298271) ("Vehicle"). Doc. #31. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. 4001(a)(3). Id.

Monique M. Grijalva ("Debtor") did not file an opposition. No other party in interest timely filed written opposition. This motion will be GRANTED IN PART AND DENIED IN PART.

As an informative matter, the certificates of service filed in connection with this motion used an older version of the court's *Official Certificate of Service* form (EDC Form 7-005, Rev. 10/30/2024) instead of the most updated version of the form (EDC Form 7-005, Rev. 1/8/2025). Doc. #36. The correct form can be accessed on the court's website.

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 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 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(c)(2)(C) provides that the automatic stay of § 362(a) continues until a discharge is granted. The Debtor's discharge was entered on October 15, 2024. Doc. #20. Therefore, the automatic stay terminated with respect to the Debtor on October 15, 2024. This motion will be DENIED AS MOOT IN PART as to the Debtor's interest and will be GRANTED IN PART for cause shown as to the chapter 7 trustee's (or estate's) interest.

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 with respect to the chapter 7 trustee because Debtor has failed to make at least four (4) post-petition payments totaling \$2,013.88. Movant has produced evidence that Debtor owes \$19,568.91 to Movant. Docs. #33; #35.

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 this is a chapter 7 case. Movant values the Vehicle at \$8,831.00 and Debtor owes \$19,568.91, which leaves Movant under secured. Doc. #35

Accordingly, the motion will be GRANTED IN PART as to the trustee's interest pursuant to § 362(d)(1) and (d)(2) and DENIED AS MOOT IN PART as to the Debtor's interest under § 362(c)(2)(C).

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the Vehicle is a depreciating asset.



7. [23-11298](#)-B-7     **IN RE: OSCAR URVINA**  
[NLG-3](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-3-2025    [\[37\]](#)

U.S. BANK TRUST NATIONAL ASSOCIATION/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
NICHOLE GLOWIN/ATTY. FOR MV.  
DISCHARGED 9/25/23; MOTION WITHDRAWN

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

DISPOSITION:     Withdrawn; taken off calendar.

NO ORDER REQUIRED.

Movant U. S. Bank Trust National Association withdrew this motion for relief from the automatic stay on March 24, 2025. Doc. #43. Accordingly, this matter will be taken off calendar pursuant to the withdrawal.