



**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable René Lastreto II**  
**Department B – Courtroom #13**  
**Fresno, California**  
**Hearing Date: Wednesday, April 9, 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. [25-10204](#)-B-13     **IN RE: ARIEL/DAISY SAURE**  
[KMM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CREDITOR TOYOTA MOTOR  
CREDIT CORPORATION  
3-20-2025    [\[19\]](#)

TOYOTA MOTOR CREDIT CORPORATION/MV  
PETER BUNTING/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION:     Continued to May 14, 2025, at 9:30 a.m.

ORDER:             The court will issue an order.

Toyota Motor Credit Corporation ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Ariel and Daisy Saure (collectively "Debtors") on February 10, 2025, on the following basis:

1. The plan does not provide for the arrearage on the debt, and the interest is not at the proper *Till* rate.
2. If the plan payments are increased to account for the arrearage and proper *Till* rate, the plan will not be feasible according to Debtors' Schedule I & J.

Doc. #19.

This objection will be CONTINUED to May 14, 2025, at 9:30 a.m. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

2. [25-10204](#)-B-13     **IN RE: ARIEL/DAISY SAURE**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-24-2025    [\[23\]](#)

PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION:     Continued to May 14, 2025, at 9:30 a.m.

ORDER:             The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Ariel and Daisy Saure (collectively "Debtors") on February 10, 2025, on the following basis:

1. Debtors are paying more than is permissible in voluntary contributions to retirement plans. Debtors must decrease their voluntary contributions and amend Schedules I & J.
2. The plan provides for the IRS as a Class 2 creditor and proposes to pay the value of the collateral securing the loan, but the court has not entered a valuation order.

Doc. #23. A motion for valuation has since been filed and is set for hearing on April 30, 2025. Doc. #27 *et seq.*

This objection will be CONTINUED to May 14, 2025, at 9:30 a.m. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

3. [24-11607](#)-B-13     **IN RE: MARY TRUJILLO**  
[LGT-2](#)

MOTION TO DISMISS CASE  
3-3-2025    [\[46\]](#)

LILIAN TSANG/MV  
DAVID JOHNSTON/ATTY. FOR DBT.  
CONT'D TO 4/23/25 PER ECF ORDER #51

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

DISPOSITION:     Continued to April 23, 2025, at 9:30 a.m.

ORDER:             The court will issue an order.

The parties have stipulated to continue the Trustee's *Motion to Dismiss* to April 23, 2025, at 9:30 a.m. Docs. ##50-51.

4. [25-10009](#)-B-13     **IN RE: KATHERINE SCONIERS STANPHILL**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN  
BY LILIAN G. TSANG  
2-24-2025    [\[20\]](#)

LILIAN TSANG/MV

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

DISPOSITION:     Continued to May 21, 2025, at 9:30 a.m.

ORDER:             The court will issue an order.

This matter is hereby CONTINUED to May 21, 2025, at 9:30 a.m. to be heard in conjunction with the Trustee's *Motion to Dismiss* filed on April 7, 2025.

5. [25-10311](#)-B-13     **IN RE: MALERY HERNANDEZ**  
[KMB-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST  
NATIONAL ASSOCIATION  
3-25-2025    [[30](#)]

U.S. BANK TRUST NATIONAL ASSOCIATION/MV  
BENNY BARCO/ATTY. FOR DBT.  
SHANNON DOYLE/ATTY. FOR MV.

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

DISPOSITION:        Continued to May 14, 2025, at 9:30 a.m.

ORDER:                The court will issue an order.

U.S. Bank Trust, N.A. ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Malery Hernandez ("Debtor") on February 14, 2025, on the following basis:

1. The plan fails to provide for \$41,503.03 in prepetition arrearage. The plan also understates Debtor's monthly post-petition mortgage payment by more than \$1,100.00.
2. If the plan payment is increased by an amount sufficient to cover the arrearage, the plan will not be feasible because, according to Debtor's Schedules I & J, Debtor will be unable to afford plan payments.

Doc. #30.

This objection will be CONTINUED to May 14, 2025, at 9:30 a.m. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any reply shall be served no later than **7 days before the hearing**.

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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

6. [25-10311](#)-B-13     **IN RE: MALERY HERNANDEZ**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-21-2025    [[27](#)]

BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION:     Continued to May 14, 2025, at 9:30 a.m.

ORDER:             The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Malery Hernandez ("Debtor") on February 14, 2025, on the following basis:

1. Debtor cannot complete the plan within 5 years unless the monthly dividend to Class 1 prepetition arrears is increased to \$692.00 per month and the overall plan payment must increase to \$3,068.90. According to Debtor's Schedules I & J, this is not feasible.
2. Debtor's plan provides for Flagship Credit Acceptance as a Class 2 claim and proposes to pay the value of the collateral securing that claim. The Court has not entered an order on an appropriate motion to value that collateral.

Doc. #27.

This objection will be CONTINUED to May 14, 2025, at 9:30 a.m. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any reply shall be served no later than **7 days before the hearing**.

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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

7. [25-10021](#)-B-13      **IN RE: LIAN JOHNSTON**  
[TCS-1](#)

CONTINUED MOTION TO CONFIRM PLAN  
2-5-2025    [\[17\]](#)

LIAN JOHNSTON/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:      Granted.

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

This matter was originally heard on March 12, 2025. Doc. #27.

Lian Johnston ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated February 5, 2025. Doc. #25. No plan has been confirmed so far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan but later withdrew the objection. Docs. #25, #36. Other than the Trustee, no party has responded, and the defaults of all nonresponding parties are entered.

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.

The 60-month plan proposes the following terms:

1. Plan payments will be \$5,635.31 per month.
2. Outstanding Attorney's fees in the amount of \$19,793.00 to be paid through the plan.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:



- a. Wells Fargo Bank (Class 2A, PMSI for 100% ownership of iCARE of Hanford (Debtor's business)). \$122,62.36.00 at 5.56% to be paid at \$\$2,419.40 per month.
  - b. Driveway Finance Corp. (2021 Hyundai Tuscon 8901. Title and Lien in name of non-filing spouse.) \$614.00 per month. To be paid directly by Debtor.
  - c. Toyota Financial Services. (2020 Toyota Highlander.) \$599.23 per month. To be paid directly by Debtor.
4. A dividend of 6% to unsecured creditors.

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.

8. [25-10331](#)-B-13      **IN RE: PRESTON BURGESS**  
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST  
COMPANY, NATIONAL ASSOCIATION  
3-25-2025    [[27](#)]

U.S. BANK TRUST COMPANY,  
NATIONAL ASSOCIATION/MV  
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION:      Continued to May 14, 2025, at 9:30 a.m.

ORDER:              The court will issue an order.

U.S. Bank Trust, N.A. as Indenture Trustee with respect to CIM Trust 2022-NR1, its assignees and/or successors, by and through its servicing agent Rushmore Servicing ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Preston Burgess ("Debtor") on February 12, 2025, on the following basis:

1. The plan provides for arrears to be cured through Class 1 but does not provide for monthly post-petition payments.

Doc. #27.

This objection will be CONTINUED to May 14, 2025, at 9:30 a.m. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible

evidence to support the Debtor's position. Any reply shall be served no later than **7 days before the hearing**.

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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

9. [25-10331](#)-B-13      **IN RE: PRESTON BURGESS**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-21-2025    [[24](#)]

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

DISPOSITION:       Continued to May 14, 2025, at 9:30 a.m.

ORDER:                The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Preston Burgess ("Debtor") on February 12, 2025, on the following basis:

1. The Trustee has not yet concluded the Meeting of the Creditors as Debtor failed to appear at the 341 hearing on March 18, 2025. The continued meeting will be held on April 29, 2025. Debtor is required to appear and submit to an examination under oath.
2. Debtor has failed to provide any of the required documents including, but not limited to:
  - a. Proof of Identification
  - b. Proof of Social Security Number
  - c. Pay advices for the 60 days prior to filing
  - d. 2023 tax returns
  - e. Class 1 Checklist

Doc. #24.

This objection will be CONTINUED to May 14, 2025, at 9:30 a.m. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any reply shall be served no later than **7 days before the hearing**.

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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

10. [25-10341](#)-B-13     **IN RE: LORENZO MONREAL**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-21-2025    [\[14\]](#)

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

DISPOSITION:        Continued to May 14, 2025, at 9:30 a.m.

ORDER:                The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Lorenzo Monreal ("Debtor") on February 19, 2025, on the following basis:

1. The plan contains several errors.
  - a. Schedule J Line 17a lists an auto payment, however, it appears this auto is being paid through the plan.
  - b. The plan includes (1) child support listed as priority debt on Schedule E/F that is erroneously placed in class 4 of the plan, while the claim of America Honda Finance Corporation is erroneously placed in Class 1.
2. The current proposed monthly payment plan is insufficient to complete plan payments within 60 months.
3. Debtor has omitted assets from Schedules A/B.

Doc. #14.

This objection will be CONTINUED to May 14, 2025, at 9:30 a.m. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any reply shall be served no later than **7 days before the hearing**.

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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a

written response, this objection will be sustained on the grounds stated in the objection without further hearing.

11. [24-13553](#)-B-13      **IN RE: EDWARD/SYLVIA CASTILLO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
2-13-2025    [[19](#)]

BENNY BARCO/ATTY. FOR DBT.  
\$78.00 INSTALLMENT FEE PAID 3/7/25

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

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

DISPOSITION:      The OSC will be vacated.

ORDER:              The court will issue an order.

The record shows that the installment fees now due have been paid. The final installment fee of \$78.00 has been paid in full. Accordingly, the order to show cause will be VACATED.

12. [18-11457](#)-B-13      **IN RE: GREGG/WENDY SCHOFIELD**  
[LGT-1](#)

MOTION TO DISMISS CASE  
2-28-2025    [[126](#)]

LILIAN TSANG/MV  
PETER BUNTING/ATTY. FOR DBT.  
CONT'D TO 4/23/25 PER ECF ORDER # 131

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

DISPOSITION:      Continued to April 23, 2025, at 9:30 a.m.

ORDER:              The court will issue an order.

The parties stipulated to continue the Trustee's *Motion to Dismiss* to April 23, 2025, at 9:30 a.m. Docs. ##130-131.

13. [21-10286](#)-B-13     **IN RE: JAMES/AIMEE MCCOY**  
[DMG-5](#)

MOTION FOR COMPENSATION FOR D. MAX GARDNER,  
DEBTORS ATTORNEY(S)  
3-12-2025    [\[64\]](#)

D. GARDNER/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.

D. Max Gardner ("Applicant"), attorney for James and Aimee McCoy ("Debtors"), requests final compensation in the sum of **\$6,707.25** under 11 U.S.C. § 330. Docs. #64, #66. This amount consists of **\$6,282.50** in fees and **\$424.75** in expenses from **February 4, 2021, through March 10, 2025**. *Id.* There remains **\$1,510.00** from the prepetition retainer in Applicant's trust account. *Id.*

Debtor executed a statement of consent which is undated, but which was filed contemporaneously with the motion and which indicates that consents to the fee application. Doc. #68.

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) and Fed. R. Bankr. P. ("Rule") 2002(a)(6). 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.

Section 3.05 of the *Chapter 13 Plan* dated February 18, 2021, confirmed April 26, 2021, indicates that Applicant was paid \$1,200.00 prior to filing the case and, subject to court approval, additional fees of

\$4,800.00 shall be paid through the plan upon court approval by filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, and Rules 2002, 2016-17. Docs. #12, #34.

This is Applicant's first and final fee application. Doc. #64 *et seq.*

Applicant provided 17.70 billable hours at the following rates, totaling **\$6,282.50** in fees:

Professional	Rate	Billed	Total
D. Max Gardner	\$350.00	15.20	\$5,320.00
D. Max Gardner	\$385.00	2.5	\$962.50
Total Hours & Fees		17.7	\$6,282.50

Docs. #64, #66. Applicant also incurred **\$424.75** in expenses:

Postage	\$78.75
Reproduction	\$33.00
Filing Fee	\$313.00
Total Expenses	\$424.75

*Id.* These combined fees and expenses total **\$6,707.25**. After application of the remaining retainer funds (**\$1,510.00**), the amount still owing is **\$5,197.25**.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3).

11 U.S.C. § 331 authorizes the award after notice and hearing of an interim award subject to subsequent final approval by the court pursuant to § 330.

Applicant's services here included, without limitation: asset disposition; case administration; fee/employment applications; and financing. Docs. #64, #66. The court finds these services and expenses reasonable, actual, and necessary.

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Applicant shall be awarded **\$6,282.50** in fees as reasonable compensation for services rendered and **\$424.75** in reimbursement of actual, necessary expenses on a final basis under 11 U.S.C. § 330. After application of the **\$1,510.00** balance from Debtor's retainer, the chapter 13 trustee will be authorized to pay Applicant

**\$5,197.25** through the confirmed plan for services and expenses from **February 4, 2021, through March 10, 2025.**

14. [25-10389](#)-B-13      **IN RE: DONALD/STEPHANIE SALKIN**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
3-20-2025    [[12](#)]

LILIAN TSANG/MV  
JOEL WINTER/ATTY. FOR DBT.

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

DISPOSITION:      Continued to May 14, 2025, at 9:30 a.m.

ORDER:              The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Donald and Stephanie Salkin ("Debtors") on February 12, 2025, on the following basis:

1. The Trustee has not yet concluded the Meeting of the Creditors as Debtors and Debtors' attorney failed to appear at Debtor's 341 Meeting of Creditors held on March 18, 2025. The continued meeting will be held on April 15, 2025. Debtors are required to appear and submit to an examination under oath. Also, Debtors have failed to provide valid photo Identification and a copy of their Social Security Cards.
2. Debtors have failed to provide Trustee with complete copies of Debtors' 2023 Federal and State income tax returns.
3. Debtors have failed to provide Trustee with copies of Debtors' payment advices as required by 11 U.S.C. § 521(a)(1)(B)(iv) and LBR 1007-1.

Doc. #14.

This objection will be CONTINUED to May 14, 2025, at 9:30 a.m. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any reply shall be served no later than **7 days before the hearing**.

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 **7 days before the**

**hearing.** If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

15. [22-11091](#)-B-13     **IN RE: MARIO/ISABEL SALINAS**  
[SLL-3](#)

CONTINUED MOTION TO INCUR DEBT  
2-17-2025    [[64](#)]

ISABEL SALINAS/MV  
STEPHEN LABIAK/ATTY. FOR DBT.

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

DISPOSITION:     Granted

ORDER:             The Movant will prepare the order in conformance with the opinion below.

This matter was originally heard on March 26, 2025. Doc. #69.

Mario and Isabel Salinas ("Debtors") move for authorization to incur new debt in order to obtain a student loan in the amount of \$31,824.00 from the William D. Ford Direct Loan Program ("the Program") for Mr. Salinas to attend National University. Doc. #64. Mr. Salinas seeks a Master of Science in Educational Counseling with Internship option so that he can obtain employment as a school counselor. Doc. #66.

The motion was accompanied by a declaration from Mr. Salinas averring that the loan repayment would not commence until two (2) or more years after completion of his Plan. *Id.* However, the Declaration did not provide any information more definite than that. *Id.* The court continued the matter to April 9, 2025, stating that before this motion may be granted, the court must have admissible evidence as to when Mr. Salinas' school will begin and end, as well as the projected date by which the Debtors will complete plan payments, to confirm that the Plan and the loan payment do not overlap. Doc. #69.

Also, the court noted that the exhibits submitted with the motion were not authenticated, and the "Master Promissory Note" submitted did not even reference the school Mr. Salinas is planning to attend. Thus, that document was also irrelevant.

The court directed that any additional supporting documents (including but not limited to either an Amended Schedule I & J or an appropriate Declaration) and other appropriate evidence would need to be filed and served on or before April 2, 2025, and that, if the Debtors provided satisfactory proof that the loan repayment will not commence until after plan payments are concluded, the court might remove this matter



from the calendar by final ruling on or before the April 9 hearing date.

On March 31, 2025, Mr. Salinas filed a *Second Declaration* averring to the following facts:

1. As of April 2025, there are 27 payments remaining in the plan;
2. Mr. Salinas has not yet commenced schooling.
3. The time to complete his proposed study program is approximately 23 months.
4. No payments are required on the loan for a grace period of 6 months after the end of schooling.
5. Mr. Salinas estimates that it will take 23 months to complete his studies.
6. Thus, the time needed to complete the program, plus the 6-month grace period, is 29 months, which is greater than the 27 months remaining in the plan.
7. Consequently, no payments will be required on the student loans during the life of the plan.

Doc. #72. The court is satisfied that the Second Declaration resolves the primary issue which delayed approval on March 26, through it does not resolve the poor evidential record submitted earlier. The motion is GRANTED. The loan is approved on the terms as outlined in the moving papers. Debtor is not required to enter into the loan.

16. [25-10596](#)-B-13     **IN RE: ANTHONY BROWN**  
[SC-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-14-2025    [[11](#)]

GOOD NEIGHBOR HOMES, LLC/MV  
SAM CHANDRA/ATTY. FOR MV.

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

DISPOSITION:     Denied without prejudice.

ORDER:             The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

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.

11:00 AM

1. [24-11900](#)-B-13     **IN RE: RICHARD/JANICE TOGNOTTI**  
[24-1058](#)     [CAE-1](#)

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

TOGNOTTI ET AL V. KAISER  
FOUNDATION HEALTH PLAN, INC.  
PETER SAUER/ATTY. FOR PL.

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

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

DISPOSITION:     Concluded and dropped from calendar.

ORDER:             The court will prepare the order.

On April 7, 2025, the Plaintiffs in this adversary proceeding submitted a *Stipulation of Dismissal* pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

2. [22-11403](#)-B-7     **IN RE: STANFORD CHOPPING, INC.**  
[24-1024](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
8-19-2024     [[1](#)]

HOLDER V. SILVA AUTO GROUP, INC. ET AL  
RAMANDEEP MAHAL/ATTY. FOR PL.

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

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

DISPOSITION:     Concluded and dropped from calendar.

No order is required.

On March 27, 2025, the parties in this adversary proceedings filed Stipulations to dismiss this action with prejudice. Docs. #34, #35.

Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

3. [24-13407](#)-B-7     **IN RE: ANITA FERGUSON**  
[25-1006](#)     [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
2-4-2025     [[1](#)]

EDMONDS V. HERNANDEZ  
GABRIEL WADDELL/ATTY. FOR PL.

NO RULING.

4. [23-12019](#)-B-7     **IN RE: SHAWN VAQUILAR**  
[23-1054](#)     [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
12-18-2023     [[1](#)]

JONES V. VAQUILAR  
JUSTIN VECCHIARELLI/ATTY. FOR PL.

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

DISPOSITION:     Concluded and dropped from calendar.

ORDER:     The court will prepare the order.

On March 28, 2025, the parties in this adversary proceedings filed a Stipulation to dismiss this action with prejudice, with each party to bear their own costs and fees. Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

5. 24-13235-B-7     **IN RE: LUIS MERCADO**  
25-1004     CAE-1

STATUS CONFERENCE RE: COMPLAINT  
1-27-2025     [1]

MERCADO V. U.S. DEPARTMENT OF EDUCATION ET AL

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

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

DISPOSITION:     Continued to May 14, 2025, at 11:00 a.m.

ORDER:             The court will prepare the order.

Luis Michael Mercado, Debtor in the underlying Chapter 7 proceeding ("Plaintiff"), filed this adversary proceeding against the United States Department of Education ("DOE") on January 27, 2025. Doc. #1. On February 18, 2025, Plaintiff filed what purports to be a Certificate of Service averring that the Reissued Summons and Notice of Status Conference in an Adversary Proceeding dated February 18, 2025, was served on the DOE at 400 Maryland Avenue, SW, Washington, D.C. 20202 via USPS. Doc. #10. Because of procedural deficiencies pertaining to proper service, this matter will be DROPPED from the calendar. Those deficiencies, which must be corrected in any future filing in this adversary include the following:

First, Local Bankruptcy Rule ("LBR") 7005-1 requires service of pleadings and other documents in adversary proceedings, contested matters, and all other proceedings in this district that are filed by attorneys, trustees, or other Registered Electronic Filing System Users to document their service of any such pleadings and/or documents by filing a certificate of service and using the Official Certificate of Service Form, EDC 007-005. That form can be found on the court's website at <https://www.caeb.uscourts.gov/CertificateOfServiceForm> (visited November 14, 2025). Plaintiff did not employ the Official Form.

Second, Federal Rule of Civil Procedure ("FRCP") 4(c)(1), made applicable in adversary proceedings by Federal Rule of Bankruptcy Procedure ("FRBP") 7004(a)(1), requires that a summons must be served with a copy of the complaint. To the extent that Plaintiff provided any certificate of service at all (a single paragraph appended to a photocopy of the summons

issued April 18, 2025), it only states that the Reissued Summons and Notice of Status Conference were served. There is no indication that any other documents were served. To effectuate proper service, Plaintiff must serve the Complaint and another accompanying documents such as declarations or exhibits along with the summons and then file a proper Certificate of Service attesting that he did so.

Third, FRBP 7004(b)(4) and (5) require that, when suing any agency of the United States (such as, here, the DOE), the Plaintiff must mail a copy of the summons and complaint to (a) the U.S. Attorney for the district in which the action is brought (here the Eastern District of California) addressed to the civil process clerk at that office, (b) to the Attorney General of the United States in Washington, D.C., and (c) to the officer or agency whose actions are challenged by the complaint. Here, the certificate of service, aside from its other deficiencies, states only that the DOE was served.

For the foregoing reasons, this status conference shall be CONTINUED to **May 14, 2025, at 11:00 a.m.** Before then, Plaintiff will seek to have his summons reissued and then serve it, along with the Complaint and any other accompanying documents, on the parties mentioned above via first class mail and then file a Certificate of Service using the official form. If the Plaintiff effects such proper service prior to the May 14, 2025, hearing date and a new Status Conference hearing date is obtained, the instant matter will be concluded and dropped from the calendar in favor of the new Status Conference date. If not, the court may issue an Order to Show Cause for Plaintiff's failure to expeditiously perfect service on the Defendant.

6. [23-10457](#)-B-11     **IN RE: MADERA COMMUNITY HOSPITAL**  
[23-1024](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT,  
JURY DEMAND RE: COMPLAINT  
5-11-2023    [\[1\]](#)

RUBIO V. MADERA COMMUNITY HOSPITAL  
EILEEN GOLDSMITH/ATTY. FOR PL.

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

DISPOSITION:     Continued to May 21, 2025, at 11:00 a.m.

ORDER:             The court will prepare the order.

On April 1, 2025, the parties submitted a Joint Status Report advising that the Plaintiff's appeal of this court's order dated August 2, 2024, compelling arbitration has been stayed through May 13, 2025, by order of the District Court and stipulation of the parties. Doc. #133. They have further advised that they are scheduled for mediation on May 6, 2025. *Id.*

Accordingly, this matter is CONTINUED to May 21, 2025, at 11:00 a.m. The parties shall submit either a joint or unilateral status report(s) no later than May 14, 2025.

7. [23-10457](#)-B-11     **IN RE: MADERA COMMUNITY HOSPITAL**  
[23-1024](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
5-11-2023    [\[1\]](#)

RUBIO V. MADERA COMMUNITY HOSPITAL  
EILEEN GOLDSMITH/ATTY. FOR PL.

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

DISPOSITION:     Continued to May 21, 2025, at 11:00 a.m.

ORDER:             The court will prepare the order.

On April 1, 2025, the parties submitted a Joint Status Report advising that the Plaintiff's appeal of this court's order dated August 2, 2024, compelling arbitration has been stayed through May 13, 2025, by order of the District Court and stipulation of the parties. Doc. #133. They have further advised that they are scheduled for mediation on May 6, 2025. *Id.*

Accordingly, this matter is CONTINUED to May 21, 2025, at 11:00 a.m.  
The parties shall submit either a joint or unilateral status report(s)  
no later than May 14, 2025.