



UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable Jennifer E. Niemann  
Hearing Date: Thursday, April 11, 2024  
Department A – Courtroom #11  
Fresno, California

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Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at, Courtroom #11 (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 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/RemoteAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

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

Please also note the following:

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

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

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

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

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

## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

1. [24-10006](#)-A-13     **IN RE: JOSE SANCHEZ**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-25-2024    [[18](#)]

SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION:         Continued to May 15, 2024 at 2:00 p.m.

ORDER:                The court will issue an order.

Jose Manuel Sanchez ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on January 3, 2024. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, and (2) Trustee cannot determine whether Debtor's Plan is feasible and pays all projected disposable income for the applicable commitment period to Debtor's general unsecured creditors because Debtor has failed to disclose information accurately on his schedules and statement of financial affairs and has failed to provide copies of payment advices for Debtor's non-filing spouse. Doc. #18.

This objection will be continued to May 15, 2024 at 2:00 p.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 1, 2024. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by May 8, 2024.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 8, 2024. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

2. [23-11520](#)-A-13     **IN RE: THEDFORD JONES**  
[LGT-1](#)

MOTION TO DISMISS CASE  
3-7-2024    [[110](#)]

GABRIEL WADDELL/ATTY. FOR DBT.  
RESPONSIVE PLEADING  
WITHDRAWN

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

DISPOSITION:         Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on April 5, 2024. Doc. #123.

3. [24-10328](#)-A-13 **IN RE: ISRAEL/ROSA TORRES**  
[KMM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY MEB LOAN TRUST II, U.S. BANK TRUST  
NATIONAL ASSOCIATION  
3-25-2024 [[20](#)]

MEB LOAN TRUST II, U.S. BANK TRUST NATIONAL ASSOCIATION/MV  
MARK ZIMMERMAN/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection on April 9, 2024. Doc. #37.

4. [24-10328](#)-A-13 **IN RE: ISRAEL/ROSA TORRES**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-26-2024 [[24](#)]

MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. The debtors filed a modified plan on April 8, 2024 (MAZ-1, Doc. #29), with a motion to confirm the modified plan set for hearing on May 30, 2024 at 9:30 a.m. Doc. ##27-32.

5. [22-11940](#)-A-13 **IN RE: JEREMY/LETITIA PECK**  
[CRG-2](#)

MOTION BY CARL R. GUSTAFSON TO WITHDRAW AS ATTORNEY  
3-1-2024 [[45](#)]

LETITIA PECK/MV  
CARL GUSTAFSON/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the 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 Sys., Inc. v. Heidental, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Carl R. Gustafson ("Movant"), counsel for Jeremy Alan Peck and Letitia Peck (together, "Debtors"), the debtors in this chapter 13 case, moves to withdraw as Debtors' attorney of record in Debtors' bankruptcy case pending before this court as Case No. 22-11940. Doc. #45. Movant's withdrawal will leave Debtors unrepresented by counsel.

LBR 2017-1(e) states that "an attorney who has appeared may not withdraw leaving the client *in propria persona* without leave of court upon noticed motion and notice to the client and all other parties who have appeared." The local rule goes on to require the attorney seeking withdrawal to "provide an affidavit stating the current or last known address" of the client and "the efforts made to notify the client of the motion to withdraw." LBR 2017-1(e). Withdrawal is governed by the California Rules of Professional Conduct. Id.

Movant has conformed with LBR 2017-1(e). Movant testifies as to Debtors' current or last known address and explains that Movant has taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of Debtors, including giving due notice to Debtors concerning the conflict of representation resulting in Movant's request to be relieved as counsel, remaining their counsel and acting in ways permitted until Movant is relieved of representation, and Debtors' right to consult with and retain separate counsel. Decl. of Carl R. Gustafson, Doc. #47. The certificate of service filed with this motion shows that Debtors received notice via U.S. mail. Doc. #48.

Pursuant to California Rules of Professional Conduct Rule 1.16, a lawyer may withdraw from representing a client if the client breaches a material term of an agreement with the lawyer and the lawyer has given the client reasonable warning of withdrawal, if a continuation of the representation is likely to result in a violation of the rules, if the client renders it unreasonably difficult for the lawyer to carry out the representation effectively, or if other good cause for withdrawal exists. Cal. Rule Prof. Conduct 1.16(b).

Movant submits that he was informed that a conflict of interest may exist between Debtors on February 8, 2024. Gustafson Decl., Doc. #47. Movant has successfully represented Debtors for more than one year prior to their separation. Movant states he can no longer represent both parties while observing ethical duties to both as an actual conflict exists, and Movant believes there is no alternative to the conflict besides withdrawing from representation of Debtors. Id. It appears that Movant has demonstrated cause for withdrawal.

Accordingly, this motion will be GRANTED.

6. [23-10344](#)-A-13     **IN RE: SUSAN QUINVILLE AND LOARINA DOMENA-QUINVILLE**  
[LGT-1](#)

MOTION TO DISMISS CASE  
3-11-2024   [\[79\]](#)

BENNY BARCO/ATTY. FOR DBT.  
CASE CONVERTED TO CH 7 3/28/24

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

DISPOSITION:        Denied as moot.

ORDER:               The court will issue an order.

An order converting this case from chapter 13 to chapter 7 was entered on March 28, 2024. Doc. #88. Therefore, this motion will be DENIED AS MOOT.

7. [24-10354](#)-A-13     **IN RE: ORLAND FERGUSON**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-26-2024   [\[12\]](#)

TIMOTHY SPRINGER/ATTY. FOR DBT.

NO RULING.

8. [24-10363](#)-A-13     **IN RE: ADRIANA GARIVAY DE LA TORRE**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-26-2024   [\[14\]](#)

MATTHEW GRECH/ATTY. FOR DBT.

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

DISPOSITION:        Continued to May 15, 2024 at 2:00 p.m.

ORDER:               The court will issue an order.

Adriana Garivay De La Torre ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on February 20, 2024. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, and (2) Debtor has not filed her 2023 federal tax return. Doc. #14.

This objection will be continued to May 15, 2024 at 2:00 p.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 1, 2024. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or

undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by May 8, 2024.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 8, 2024. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

9. [20-12069](#)-A-13     **IN RE: SCOTT/SARINA DUTEY**  
[LGT-1](#)

MOTION TO DISMISS CASE  
3-7-2024    [[165](#)]

LILIAN TSANG/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.  
WITHDRAWN

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

DISPOSITION:     Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on April 8, 2024. Doc. #173.

10. [24-10281](#)-A-13     **IN RE: VAJOHN VANG AND VANG THAO**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-25-2024    [[14](#)]

JERRY LOWE/ATTY. FOR DBT.

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

DISPOSITION:     Continued to May 15, 2024 at 2:00 p.m.

ORDER:             The court will issue an order.

VaJohn Vang and Vang Thao (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on February 6, 2024. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, and (2) Debtors have not yet provided Trustee with copies of their most recent federal and state income tax returns. Doc. #14.

This objection will be continued to May 15, 2024 at 2:00 p.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than May 1, 2024. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Trustee shall file and serve a reply, if any, by May 8, 2024.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 8, 2024. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

11. [24-10088](#)-A-13     **IN RE: CHRISTOPHER ISAIS**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-25-2024   [[22](#)]

TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:       Continued to May 15, 2024 at 2:00 p.m.

ORDER:               The court will issue an order.

Christopher Gary Isais ("Debtor") filed a voluntary petition under chapter 13 on January 16, 2024, and filed his chapter 13 plan ("Plan") on January 25, 2024. Doc. #1, 11. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because the meeting of creditors has not yet concluded due to Debtor failing to appear at the continued meeting of creditors held on March 19, 2024. Doc. #22.

This objection will be continued to May 15, 2024 at 2:00 p.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 1, 2024. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by May 8, 2024.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 8, 2024. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

12. [24-10290](#)-A-13     **IN RE: HEATHER EMINO**  
[SLH-1](#)

MOTION TO VALUE COLLATERAL OF MATADORS COMMUNITY CREDIT UNION  
2-23-2024   [[10](#)]

HEATHER EMINO/MV  
SETH HANSON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.



13. [23-10691](#)-A-13     **IN RE: KAYE KIM**  
[DNL-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CALVIN KIM  
1-9-2024    [[112](#)]

CALVIN KIM/MV  
LEONARD WELSH/ATTY. FOR DBT.  
BENJAMIN TAGERT/ATTY. FOR MV.

NO RULING.

14. [23-10691](#)-A-13     **IN RE: KAYE KIM**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
2-12-2024    [[131](#)]

LEONARD WELSH/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

15. [24-10297](#)-A-13     **IN RE: DOROTHY MCKINLEY**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
3-26-2024    [[16](#)]

MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION:       Continued to May 15, 2024 at 2:00 p.m.

ORDER:                The court will issue an order.

Dorothy A. McKinley ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on February 8, 2024. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, (2) Debtor has not yet provided Trustee with copies of her most recent federal and state income tax returns, and (3) the Plan currently provides for payments to creditors for a period longer than the 5 years required by 11 U.S.C. § 1322(d). Doc. #16.

This objection will be continued to May 15, 2024 at 2:00 p.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 1, 2024. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by May 8, 2024.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and

set for hearing, not later than May 8, 2024. If Debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

16. [22-12098](#)-A-13     **IN RE: CURTIS HEMMAN**  
[LGT-1](#)

CONTINUED MOTION TO DISMISS CASE  
2-5-2024    [[49](#)]

PETER BUNTING/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Denied.

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

On February 5, 2024, the chapter 13 trustee ("Trustee") moved to dismiss this bankruptcy case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor had failed debtor to confirm a plan. Doc. #49. The debtor responded on February 28, 2024, stating that the debtor would file a modified plan to cure the missing plan payments. Doc. #55. On March 5, 2024, the debtor filed and served a motion to confirm the debtor's first modified plan and set that motion for hearing on April 11, 2024. Doc. ##59-65. That motion has been granted by final ruling, matter #17 below.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. It appears that confirmation of the debtor's third modified plan satisfies all outstanding grounds for Trustee's motion to dismiss, so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(1).

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

17. [22-12098](#)-A-13     **IN RE: CURTIS HEMMAN**  
[PBB-1](#)

MOTION TO MODIFY PLAN  
3-5-2024    [[59](#)]

CURTIS HEMMAN/MV  
PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION:                Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The

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

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

11:00 AM

1. [23-12328](#)-A-7    **IN RE: RUSTY PITTS**  
[23-1056](#)    [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
12-27-2023    [[1](#)]

YOUNG V. PITTS  
KEITH CABLE/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

2. [21-10679](#)-A-13    **IN RE: SYLVIA NICOLE**  
[21-1015](#)    [CBC-9](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FORES MACKO JOHNSTON &  
CHARTRAND FOR CORY B. CHARTRAND, DEFENDANT'S ATTORNEY(S)  
3-13-2024    [[550](#)]

NICOLE V. T2M INVESTMENTS, LLC  
CORY CHARTRAND/ATTY. FOR MV.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Continued to May 2, 2024 at 11:00 a.m.

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

On April 1, 2024, the plaintiff noticed a hearing on a motion for an order to stay the defendant's request for attorney's fees related to the judgment issued in this adversary proceeding pending resolution of the plaintiff's appeal. Doc. ##564-567. The plaintiff's motion is set for hearing on May 2, 2024 at 11:00 a.m. Doc. #565. The court is inclined to continue the hearing on this motion to May 2, 2024 at 11:00 a.m., to be heard in connection with the plaintiff's motion for a stay pending appeal.