



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

**Chief Judge Fredrick E. Clement**  
Sacramento Federal Courthouse  
501 I Street, 7<sup>th</sup> Floor  
Courtroom 28, Department A  
Sacramento, California

**DAY: MONDAY**  
**DATE: APRIL 14, 2025**  
**CALENDAR: 10:30 A.M. CHAPTER 7 CASES**

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Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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 **Court Appearances** page of our website at:

<https://www.caeb.uscourts.gov/Calendar/CourtAppearances>

Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

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

Please also note the following:

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

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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.

## PRE-HEARING DISPOSITION INSTRUCTIONS

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### RULINGS

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

**"No Ruling"** means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

**"Tentative Ruling"** means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

**"Final Ruling"** means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

### CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

### ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

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1. [24-20722](#)-A-7     **IN RE: WILLIAM QUIRANTE**  
[KMT-5](#)

MOTION TO ABANDON  
3-31-2025    [\[109\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.  
GABRIEL HERRERA/ATTY. FOR MV.  
DEBTOR DISCHARGED: 08/29/24

### **Tentative Ruling**

**Motion:** Authorize Trustee's Abandonment of Property of the Estate

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted only as to the personal assets described in the motion

**Order:** Prepared by moving party pursuant to the instructions below

**Description:** Personal Property, Inventory Listed in Exhibit A

**Value:** \$18,650.00 as listed in Schedules A/B

The chapter 7 trustee moves for an order authorizing his abandonment of the bankruptcy estate's interest in the personal property described in the motion and exhibits, ECF Nos. 109 & 112.

The movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

### **11 U.S.C. § 554(a)**

"After notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. § 554(a).

To commence with the sale of the debtor's real property, the broker hired by the trustee advised that all personal property needed to be removed from the real property. The real property is valued by the debtor at \$1,012,000. Exhibit B, ECF No. 112. The sale of the real property is necessary to benefit the estate. The trustee has no intention of liquidating the personal property as it has no value or benefit to the estate.

The assets described above are either burdensome to the estate or of inconsequential value to the estate. An order authorizing the trustee's abandonment of such assets is warranted. The order will authorize abandonment of only the assets that are described in the motion.

2. [24-24823](#)-A-7     **IN RE: PAUL/LAURA SMITH**  
[DWL-1](#)

MOTION TO RECONVERT CASE FROM CHAPTER 7 TO CHAPTER 13  
3-31-2025     [\[28\]](#)

PATRICIA WILSON/ATTY. FOR DBT.

### **Final Ruling**

**Motion:** Reconvert Case from Chapter 7 to Chapter 13

**Notice:** 9014-1(f)(2); no written opposition required

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The motion requests reconversion of a Chapter 7 case to a Chapter 13 case. See 11 U.S.C. §§ 706, 1307; Fed. R. Bankr. P. 1017, 2002.

The motion will be denied without prejudice as follows:

### **RECONVERSION**

Section 706 of the Bankruptcy Code gives chapter 7 debtors a qualified conversion right. See 11 U.S.C. § 706(a), (d). A debtor's right to convert a case from Chapter 7 to Chapter 11, 12, or 13 is conditioned on (i) the debtor's eligibility for relief under the chapter to which the case will be converted and (ii) the case not having been previously converted under §§ 1112, 1208, or 1307. 11 U.S.C. § 706(a), (d); see also *Marrama v. Citizens Bank of Mass.*, 549 U.S. 365, 372-74 (2007) (affirming denial of debtor's conversion from Chapter 7 to Chapter 13 based on bad faith conduct sufficient to establish cause under § 1307(c)).

A split of authority exists on the question whether the court may authorize a debtor to reconvert a case under § 706(a) when the case was already converted to chapter 7. See Kathleen P. March, Hon. Alan M. Ahart & Janet A. Shapiro, *California Practice Guide: Bankruptcy* ¶ 5:1732-5:1734 (rev. 2016) (citing cases on both sides of the issue).

In the absence of opposition, the court will assume that a right to reconvert exists, provided that the debtor has made a prima facie case for relief. See *In re Johnson*, 376 B.R. 763, 764 (Bankr. D.N.M. 2007) ("This Court agrees with those courts which conclude that reconversion is permitted under 706(a), and that such determination falls within the Court's discretion.").

## **DISCUSSION**

### Who is Entitled to Notice

As a rule, a motion to convert a case to another chapter must be served on all creditors. Fed. R. Bankr. P. 2002(a)(4). But the Eastern District has limited notice of a motion to convert a case to creditors that have actually filed claims, provided the claims bar date has passed. Fed. R. Bankr. P. 2002(h)(1); LBR 2002-3.

In this case, there is no matrix attached to the certificate of service. See Certificate of Service, ECF No. 32. Because no matrix was attached to the certificate of service, it is unclear whether the correct parties have been given proper notice. Accordingly, notice is insufficient under the Federal Rule of Bankruptcy 2002(a), and the court will not determine if the proper creditors and parties in interest were served with the motion. The court will deny the motion without prejudice.

### Amount of Notice

The debtor has not provided a sufficient period of notice for the hearing on the motion. The Federal Rule of Bankruptcy Procedure 2002(a)(4) provides that the debtor, the trustee, all creditors and indenture trustees receive at least 21 days' notice by mail on "the dismissal of the case or the conversion of the case to another chapter". Fed. R. Bankr. P. 2002(a)(4). Additionally, provided that the Federal Rule of Bankruptcy 2002(h)(1) applies, subsection (a) still applies. Fed. R. Bankr. P. 2002(a).

Here, the notice was given on March 31, 2025, allowing only 14 days of notice. See Certificate of Service, ECF No. 32. Thus, notice was insufficient, and the motion will be dismissed without prejudice.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to reconvert case to a chapter 13 has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

3. [24-21527](#)-A-7     **IN RE: ANTHONY/JENNIFER ALVAREZ**  
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-12-2025    [\[36\]](#)

STEVEN ALPERT/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.  
DEBTORS DISCHARGED: 07/18/24  
NEWREZ LLC VS.

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted in part; denied in part as moot

**Order:** Civil minute order

**Subject:** 1654 Nadean Drive, Yuba City, California

**Discharge Date:** July 18, 2024

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **AS TO THE DEBTOR**

The motion is denied as moot. The stay that protects the debtor terminates at the entry of discharge. 11 U.S.C. § 362(c)(2). In this case, discharge has been entered. As a result, the motion is moot as to the debtor.

### **AS TO THE ESTATE**

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 6 post-petition payments totaling \$11,356.98 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

The court does not address grounds for relief under § 362(d)(2) as relief is warranted under § 362(d)(1). The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

NewRez LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted in part and denied as moot in part. The automatic stay is vacated with respect to the interest of the trustee in the property described in the motion, commonly known as 1654 Nadean Drive, Yuba City, California. Relief from the automatic stay as to the interest of the debtor in such property is denied as moot given the entry of the discharge in this case. 11 U.S.C. § 362(c)(2)(C).

IT IS FURTHER ORDERED that the 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.



4. [25-20731](#)-A-7      **IN RE: ERICK VINTHER**  
[CVN-10](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-24-2025    [\[19\]](#)

CALVIN CLEMENTS/ATTY. FOR MV.  
LAKE FOREST APARTMENTS, LLC VS.

### **Tentative Ruling**

**Motion:** Stay Relief to Pursue Unlawful Detainer Action and Writ of Possession

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted only to the extent specified in this ruling

**Order:** Civil minute order

**Subject:** Exercise of state law rights and remedies to obtain possession of real property located at 401 Cranberry Lane, El Dorado Hills, California, including all actions necessary to pursue an unlawful detainer action and execute a writ of possession

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **FACTS**

Debtor failed to pay rent for January 2025 which resulted in the movant serving a notice to pay rent or quit on January 8, 2025. Debtor did not comply with the notice and the movant filed an action for unlawful detainer on February 27, 2025. The debtors filed the instant Chapter 7 case on February 20, 2025. Vol. Pet., ECF No. 1. The state court matter is currently pending due to the automatic stay and judgement has not been entered on the case. See Dec. 2:14-17, ECF No. 21.

### **DISCUSSION**

#### Cause

The automatic stay is applicable to "any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate". 11 U.S.C. § 362(a)(3). The court can grant relief from the stay "for cause". 11 U.S.C. § 362(d)(1). In this instant case, the debtor has not paid rent since January 2025. The debtor's failure to make rental payments is cause under 11 U.S.C. § 362(d)(1).

### Exception to Cause

Notwithstanding the fact that cause in Chapter 7 exists with the lack of pre-petition rental arrears, there is a narrow exception protecting residential tenants. 11 U.S.C. § 362(l) provides that if the debtor files and serves with the petition a certificate that they are entitled to cure under state law and have deposited the money to cure the entire default under state law, then a pre-petition default is not cause for stay relief. 11 U.S.C. § 362(l).

Here, the debtor has not invoked these rights. Under LBR 9014-1(f)(2), no written opposition is required for this motion. The court has reviewed the docket and finds that the debtor does not qualify for the exception under 11 U.S.C. § 362(l). No such certificate and/or deposit of funds exists.

As a result, the moving party shall have relief from stay to pursue through judgment the pending state-court litigation identified in the motion. The moving party may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any judgment, except: (1) from applicable insurance proceeds; or (2) by filing a proof of claim in this court.

The motion will be granted to the extent specified herein, and the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Lake Forest Apartments, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted to the extent specified in this order. The automatic stay is vacated to allow the movant to enforce its rights and remedies against the debtor to obtain possession of real property located at 401 Cranberry Lane, El Dorado Hills, California, and to pursue an unlawful detainer action through judgment and execution of a writ of possession, if necessary.

IT IS FURTHER ORDERED that the movant may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against debtor, except by (1) filing a proof of claim in this court or (2) filing an adversary proceeding to determine the

debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding. And the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived.

5. [25-21131](#)-A-7     **IN RE: RYAN/CATHLYN SALVADOR**  
[RSS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-25-2025    [\[14\]](#)

RICHARD SONTAG/ATTY. FOR MV.  
DEBTORS DISMISSED: 03/31/25  
RC BRIARWOOD APARTMENT HOMES VS.

**\*[Since posting its original rulings, the court has changed its intended ruling on this matter].**

### **Final Ruling**

**Motion:** Stay Relief

**Disposition:** Withdrawn

**Order:** Civil minute order

### **CREDITOR REPLY – Fed. R. Civ. P. 41**

Creditor RC Briarwood Apartment Homes filed a timely request to dismiss his motion under Fed. R. Civ. P. 41; Fed. R. Bankr. P. 9014, 7041.

Federal Rule of Civil Procedure 41 governs the circumstances where a party may withdraw a motion or objection. Fed. R. Civ. P. 41, *incorporated by* Fed. R. Bankr. P. 7041, 9014(c) (applying rule dismissal of adversary proceedings to contested matters). A motion or objection may be withdrawn without a court order only if it has not been opposed or by stipulation “signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A). In all other instances, a motion or objection may be withdrawn “only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2).

Here, the creditor has signaled the abandonment of its motion for relief from stay. Neither the debtor(s), nor the trustee, has expressed opposition to the withdrawal of the creditor’s motion. No unfair prejudice will result from withdrawal of the motion and the court will accede to the creditor’s request.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

IT IS ORDERED that the motion for stay relief is withdrawn.

6. [24-25338](#)-A-7     **IN RE: WIMPY'S CALIFORNIA DELTA RESORT,**  
LLC  
[MB-8](#)

CONTINUED MOTION TO USE CASH COLLATERAL  
2-24-2025    [\[95\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
HAGOP BEDOYAN/ATTY. FOR MV.

#### **No Ruling**

7. [25-20747](#)-A-7     **IN RE: JACOB/ANDREA FORD**  
[RSS-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
3-25-2025    [\[28\]](#)

RICHARD SONTAG/ATTY. FOR MV.  
WESTERN ARBOR COURT PARTNERS L.P. VS.

#### **Tentative Ruling**

**Motion:** Stay Relief to Pursue Unlawful Detainer Action and Writ of Possession

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted only to the extent specified in this ruling

**Order:** Civil minute order

**Subject:** Exercise of state law rights and remedies to obtain possession of real property located at 9950 Juanita Street #39, Cypress, California, including all actions necessary to pursue an unlawful detainer action and execute a writ of possession

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

#### **FACTS**

In this case, the debtors are living with tenants who are in default under the residential lease, and they have no ownership or interest in the property. Debtors are not listed under the lease, Exhibit A, ECF No. 30. The tenants went into default on July 1, 2024. On November 14, 2024, the movant filed a complaint for unlawful detainer. Exhibit C, ECF No. 30. Debtors, who are not the movant's tenants, filed an answer to the complaint on December 3, 2024. Exhibit D, ECF No. 30. Debtors filed the instant Chapter 7 case on February 21, 2025. Vol. Pet., ECF No. 1. Before the filing of the

voluntary petition, the movant filed a complaint for unlawful detainer against the tenants of the property. See Ex. C, ECF No. 30. The complaint was answered by Camila Emerson, who is neither of the named debtors in this instant matter. See Ex. D, ECF No. 30. The state trial is currently continued to April 21, 2025, and no judgement has been entered.

## **DISCUSSION**

### Cause

The automatic stay is applicable to "any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate". 11 U.S.C. § 362(a)(3). The court can grant relief from the stay "for cause". 11 U.S.C. § 362(d)(1). In this instant case, the debtor has not paid rent since January 2025. The debtor's failure to make rental payments is cause under 11 U.S.C. § 362(d)(1).

### Exception to Cause

Notwithstanding the fact that cause in Chapter 7 exists with the lack of pre-petition rental arrears, there is a narrow exception protecting residential tenants. 11 U.S.C. § 362(l) provides that if the debtor files and serves with the petition a certificate that they are entitled to cure under state law and have deposited the money to cure the entire default under state law, then a pre-petition default is not cause for stay relief. 11 U.S.C. § 362(l).

Here, the debtor has not invoked these rights. Under LBR 9014-1(f)(2), no written opposition is required for this motion. The court has reviewed the docket and finds that the debtor does not qualify for the exception under 11 U.S.C. § 362(l). No such certificate and/or deposit of funds exists.

As a result, the moving party shall have relief from stay to pursue through judgment the pending state-court litigation identified in the motion. The moving party may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any judgment, except: (1) from applicable insurance proceeds; or (2) by filing a proof of claim in this court.

The motion will be granted to the extent specified herein, and the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Western Arbor Court Partners L.P.'s motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted to the extent specified in this order. The automatic stay is vacated to allow the movant to enforce its rights and remedies against the debtor to obtain possession of real property located at 9950 Juanita Street #39, Cypress, California, and to pursue an unlawful detainer action through judgment and execution of a writ of possession, if necessary.

IT IS FURTHER ORDERED that the movant may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against debtor, except by (1) filing a proof of claim in this court or (2) filing an adversary proceeding to determine the debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding. And the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived.

8. [24-22469](#)-A-7     **IN RE: JENNIFER RODRIGUE**  
[SCR-2](#)

CONTINUED MOTION TO COMPEL  
12-2-2024    [\[134\]](#)

CARL GUSTAFSON/ATTY. FOR DBT.  
SAMUEL RAY/ATTY. FOR MV.

**No Ruling**

9. [25-21171](#)-A-7     **IN RE: SUSAN ALLAN KUMBA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
3-31-2025    [\[12\]](#)

**Tentative Ruling**

If the filing fee has not been paid in full by the time of the hearing, the case may be dismissed without further notice or hearing.

10. [24-25385](#)-A-7     **IN RE: JOHN/JULIE CALLISON**  
[PGM-1](#)

MOTION TO AVOID LIEN OF THOMAS J. IMPERATO, MD  
2-26-2025    [\[27\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 02/24/25

### **Tentative Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Disposition:** Denied without prejudice

**Order:** Civil minute order

In the instant case, it is unclear if Thomas J. Imperato, M.D. is an individual or an entity. Since it is common practice for medical entities to be named after a doctor with their professional title, the classification of the deed holder is ambiguous. Because there is ambiguity as to whether service is sufficient on the respondent, Fed. R. Bankr. P. 7004(b)(3), the court finds that the respondent has not sustained its burden of proof as to service.

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party. A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); see also *In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process." Fed. R. Bankr. P. 7004(b)(3).

Service of the motion was insufficient. The motion was not mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to avoid lien has been presented to the court. Because of the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

11. [23-23295](#)-A-7     **IN RE: ROBERT SNYDER**  
[BLF-2](#)

MOTION TO EMPLOY JOHN CHRISTOPHER MAPLES AS SPECIAL COUNSEL  
AND/OR MOTION TO EMPLOY RICHARD P. BERTOLINO AS SPECIAL  
COUNSEL

3-18-2025    [\[30\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
LORIS BAKKEN/ATTY. FOR MV.  
DEBTORS DISCHARGED: 12/26/23

**No Ruling**

12. [23-23295](#)-A-7     **IN RE: ROBERT SNYDER**  
[BLF-3](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH MICHELLE COLE

3-18-2025    [\[37\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
LORIS BAKKEN/ATTY. FOR MV.  
DEBTORS DISCHARGED: 12/26/23

**No Ruling**

13. [22-22896](#)-A-7     **IN RE: K & W KITCHENS, INC.**  
[KJH-2](#)

MOTION FOR COMPENSATION FOR GABRIELSON & COMPANY,  
ACCOUNTANT(S)

3-4-2025    [\[75\]](#)

GERALD WHITE/ATTY. FOR DBT.

**Final Ruling**

**Application:** Allowance of First and Final Compensation and Expense  
Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).



## **COMPENSATION AND EXPENSES**

In this Chapter 7 case, Michael Gabrielson, accountant for the trustee, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$10,244.50 and reimbursement of expenses in the amount of \$152.84.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

## **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Michael Gabrielson's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$10,244.50 and reimbursement of expenses in the amount of \$152.84.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

14. [22-22896](#)-A-7     **IN RE: K & W KITCHENS, INC.**  
[KMT-7](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF KRONICK,  
MOSKOVITZ, TIEDEMANN & GIRARD FOR GABRIEL P. HERRERA,  
TRUSTEES ATTORNEY(S)  
3-17-2025    [\[81\]](#)

GERALD WHITE/ATTY. FOR DBT.

### **Final Ruling**

**Application:** Allowance of First and Final Compensation and Expense Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **COMPENSATION AND EXPENSES**

In this Chapter 7 case, Kronick, Moskovitz, Tiedemann & Girard, attorneys for the trustee, have applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$23,463.00 and reimbursement of expenses in the amount of \$545.86.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Kronick, Moskovitz, Tiedemann & Girard's application for allowance of final compensation and reimbursement of expenses has been

presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$23,463.00 and reimbursement of expenses in the amount of \$545.86.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.