



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California**

Hearing Date: Wednesday, April 15, 2026

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. [25-14000](#)-B-13 **IN RE: MIGUEL BOGARIN AND MARIA SANCHEZ VENTURA**
[DEF-2](#)

CONTINUED MOTION TO CONFIRM PLAN
12-23-2025 [[22](#)]

MARIA SANCHEZ VENTURA/MV
DAVID FOYIL/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will prepare the order.

On April 2, 2026, Miguel Bogarin and Maria Sanchez Ventura ("Debtors") filed their *First Modified Chapter 13 Plan*. Doc. #56. Accordingly, this *Motion to Confirm* the Chapter 13 Plan dated December 23, 2026, is DENIED as moot.

2. [25-14000](#)-B-13 **IN RE: MIGUEL BOGARIN AND MARIA SANCHEZ VENTURA**
[LGT-1](#)

CONTINUED MOTION TO DISMISS CASE
2-9-2026 [[28](#)]

LILIAN TSANG/MV
DAVID FOYIL/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to June 17, 2026, at 9:30 a.m.

ORDER: The court will prepare the order.

This matter is hereby CONTINUED to June 17, 2026, at 9:30 a.m. to be heard in conjunction with Debtor's *Motion to Confirm First Amended Chapter 13 Plan* which is set for hearing on that date. Docs. #53-54.

3. [26-10907](#)-B-13 **IN RE: JASON ARCE**
[PBB-1](#)

MOTION TO VALUE COLLATERAL OF SPRINGLEAF FINANCIAL SERVICES
3-18-2026 [8]

JASON ARCE/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.

Jason Arce ("Debtor") moves for an order valuing a 2016 Ford Fusion SE ("Vehicle") at \$9,475.00 under 11 U.S.C. § 506(a). Doc. #8 *et seq.* Vehicle is encumbered by a purchase money security interest in favor Springleaf Financial Services acquired by OneMain Financial Group, LLC ("Creditor"). *Id.*

Debtor complied with Fed. R. Bankr. Pro. Rules 3012(b) and 7004(b)(3) by serving Creditor a copy of the motion by first-class mail 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, in this case "OneMain Financial Group, LLC, ATTN: CT Corporation System, Agent." Doc. #12.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 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.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1)

the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a) (1), which applies to all debtors under this title, states:

An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to set off is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

11 U.S.C. § 506(a) (2) states:

If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.

Here, Debtor declares that Creditor's claim arises from a non-purchase money loan incurred in November 2021 and which is secured by Vehicle. Doc. #10, The loan is not secured by a purchase money security interest, and even if it were, the loan was taken out more than 910 days prior to the petition date. Thus, the elements of § 1325(a) (*) are not met and § 506 is applicable.

Debtor further declares that Vehicle has a replacement value of \$9,475.00. *Id.* Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at \$9,475.00. The proposed order shall specifically identify the

collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the Chapter 13 Plan.

4. [26-10010](#)-B-13 **IN RE: JANELYN SIMPSON**
[PBB-2](#)

MOTION TO CONFIRM PLAN
3-10-2026 [[37](#)]

JANELYN SIMPSON/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.

Janelyn Simpson ("Debtor") seeks an order confirming the *Second Modified Chapter 13 Plan* dated March 10, 2026. Docs. #37, #39. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Monthly plan payments will be \$2,370.00 per month for month 1 and \$2,655.00 per month for months 2-60.
2. Outstanding Attorney's fees in the amount of \$12,300.00 to be paid through the plan at \$209.00 per month beginning March 2026.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. Shellpoint Mortgage (Class 1, mortgage on 5469 Mulberry Ave., Atwater, CA 95301). \$34,206.79 in arrears at 0.00% to be paid at \$580.00 per month beginning March 2026. Ongoing post-petition monthly payment of \$1,636.36.
 - b. Synchrony Bank (Class 2A, non-PMSI secured by 5469 Mulberry Ave., Atwater CA 95301). \$4,418.00 at 10.00% to be paid at \$96.00 per month beginning March 2026.
4. A dividend of 0% to unsecured creditors.

Doc. #39. This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will

be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

5. [26-10111](#)-B-13 **IN RE: MICHAEL DANIEL**
[TCS-1](#)

MOTION TO CONFIRM PLAN
3-11-2026 [[20](#)]

MICHAEL DANIEL/MV
TIMOTHY SPRINGER/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.

Michael Daniel ("Debtor") seeks an order confirming the *First Modified Chapter 13 Plan* dated March 11, 2026. Docs. #20, #22. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Monthly plan payments will be \$1,380.00.
2. Outstanding Attorney's fees in the amount of \$11,783.00 to be paid through the plan.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. Exeter Finance LLC (Class 2A, PMSI, 2025 Ford Maverick). \$42,306.00 at 9.00% to be paid at \$878.20.
 - b. Global Lending Services (Class 4, 2020 Ford Explorer). \$530.26 to be paid by Debtor's non-filing spouse.
4. A dividend of 100% to unsecured creditors with claims estimated at approximately \$7,089.49.

Doc. #22. This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468

F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

6. [25-13915](#)-B-13 **IN RE: EDUARDO FARIAS**
[RSW-2](#)

MOTION TO CONFIRM PLAN
3-9-2026 [[35](#)]

EDUARDO FARIAS/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
DISMISSED 3/25/26; RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

No order is required

On March 25, 2026, the court entered an order granting Debtor's motion for voluntary dismissal of this Chapter 13 case. Doc. #47. Accordingly, this *Motion to Confirm Plan* is DENIED as moot.

7. [26-10622](#)-B-13 **IN RE: IDALAFAYE DAVIS**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-31-2026 [[13](#)]

MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 13, 2026, 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 Idalafaye Davis ("Debtor") on February 17, 2026, on the following basis:

1. Trustee requests an Amended Schedule I & J to account for changes in Debtor's employment and income identified during the 341 Meeting of Creditors.

Doc. #13.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

8. [26-10031](#)-B-13 **IN RE: GERARDO SERRANO**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY
TRUSTEE LILIAN G. TSANG
2-25-2026 [\[31\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

This objection was originally heard on March 18, 2026. Doc. #37.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objected to confirmation of the *[Second] Amended Chapter 13 Plan* filed by Gerardo Serrano ("Debtor") on January 15, 2026, on the following basis:

1. Debtor is delinquent by \$1,400.00 in plan payments as of February 25, 2026, with additional payments accruing.
2. Debtor failed to appear at the 341 Meeting of Creditors held on February 24, 2026. The continued meeting is set for March 26, 2026.

Doc. #31. The court continued this objection to April 15, 2026, at 9:30 a.m. Docs. #37-38. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

Debtor neither filed a written response nor a modified plan. Therefore, Trustee's objection will be SUSTAINED on the grounds stated in the objection.

9. [26-10534](#)-B-13 **IN RE: FAITH RAYGOZA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-26-2026 [\[12\]](#)

LILIAN TSANG/MV
STEPHEN LABIAK/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 13, 2026, 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 Faith Raygoza ("Debtor") on February 9, 2026, on the following basis:

1. The 341 meeting of creditors has not been concluded as Debtor failed to appear. The continued meeting is set for April 23, 2026. Also, Debtor has failed to provide required documents including but not limited to her 2024 tax returns and the Chapter 13 Business Questionnaire for Debtor's non-filing spouse.
2. Debtor's Statement of Financial Affairs fails to list her income information for 2024, 2025, and 2026 as required by questions 4 and 5. Trustee requests an Amended Statement of Financial Affairs.

Doc. #12.

This objection will be CONTINUED to May 13, 2026, 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

Debtors' 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. [26-10534](#)-B-13 **IN RE: FAITH RAYGOZA**
[NLG-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY NEWREZ LLC
3-31-2026 [\[19\]](#)

NEWREZ LLC/MV
STEPHEN LABIAK/ATTY. FOR DBT.
NICHOLE GLOWIN/ATTY. FOR MV.

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

DISPOSITION: Continued to May 13, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

NewRez LLC as servicer for Athene Annuity and Life Company ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Faith Raygoza ("Debtor") on February 9, 2026, on the following basis:

1. The Plan understates the pre-petition arrearage on Creditor's claim.

Doc. #19.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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. [26-10534](#)-B-13 **IN RE: FAITH RAYGOZA**
[WJH-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DA VINCI AT BELLA SERA
HOMEOWNERS ASSOCIATION
3-30-2026 [\[15\]](#)

DA VINCI AT BELLA SERA HOMEOWNER'S ASSOCIATION/MV
STEPHEN LABIAK/ATTY. FOR DBT.
RILEY WALTER/ATTY. FOR MV.

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

DISPOSITION: Continued to May 13, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Da Vinci at Bella Sera Homeowner's Association ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Faith Raygoza ("Debtor") on February 9, 2026, on the following basis:

1. The Plan does not provide for Creditor's claim for \$6,879.67 based on unpaid pre-petition homeowner's association fees, which are secured by a lien on 5032 W. Livorno Ave., Visalia California.

Doc. #15.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

12. [26-10543](#)-B-13 **IN RE: FRANK/PATRICIA PEREZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-31-2026 [\[16\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 13, 2026, 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 Frank and Patricia Perez ("Debtors") on February 24, 2026, on the following basis:

1. Debtors are delinquent by \$2,022.00 as of March 2026, with additional payments accruing.

Doc. #16.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

13. [26-11154](#)-B-13 **IN RE: JULIE MORIN**
[JM-1](#)

MOTION TO IMPOSE AUTOMATIC STAY AND/OR MOTION TO EXTEND
AUTOMATIC STAY
3-25-2026 [\[15\]](#)

JULIE MORIN/MV
JOAQUIN NOLET/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR"). For motions filed on less than 28 days' notice, LBR 9014-1(f)(2)(C) requires the movant to notify respondents written opposition is not required and any opposition to the motion must be presented at the hearing.

This motion was filed and served on March 25, 2026, and set for hearing on April 15, 2026. Docs. ##15-16. The Motion and Notice were filed and served twenty-one (21) days before the scheduled hearing date. Therefore, this motion was set for hearing on less than 28 days' notice under LBR 9014-1(f)(2). Nevertheless, the notice and amended notice both stated:

YOU ARE HEREBY NOTIFIED that pursuant to LRBP 9014(f)(1), opposition if any to the court granting this Motion shall be in writing and shall be served and filed with the clerk by the Responding Party no less than Fourteen Calendar Days (14) preceding the date of continue [sic] date of the hearing. Opposition shall be accompanied by evidence establishing its factual allegations, Without good cause, no party shall be heard in opposition to the motion at oral argument if written opposition to the motion has not been timely filed. Failure of the responding party to timely file written opposition may be deemed a waiver of any opposition to the granting of the Motion without further argument or may result in the imposition of sanctions.

Doc. #16. This is incorrect. Motions noticed less than 28 days before the hearing are deemed brought pursuant to LBR 9014-1(f)(2). The notice should have informed respondents that written opposition was not required, and opposition, if any, shall be presented at the hearing. If opposition is presented, or if there is other good cause, the court may continue the hearing to permit the filing of evidence and briefs. Therefore, the notice was materially deficient because the

respondents were told to file and serve written opposition even though it was not necessary. Thus, interested parties may be deterred from opposing the motion or from appearing at the hearing.

For the above reason(s), this motion will be DENIED WITHOUT PREJUDICE.

14. [26-10358](#)-B-13 **IN RE: WILLIE ANDERSON**
[LGT-2](#)

MOTION TO DISMISS CASE
3-10-2026 [[34](#)]

LILIAN TSANG/MV

TENTATIVE RULING: This matter will be called and proceed as scheduled because the debtor is pro se.

DISPOSITION: Granted or denied without prejudice.

ORDER: The court will issue an order.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtor 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). However, because the debtor is pro se, this matter will be called and proceed as scheduled. The court will inquire whether the debtor has cured all of the delinquencies set forth in the motion. If so, this motion will be DENIED WITHOUT PREJUDICE. Otherwise, this motion will be GRANTED.

Chapter 13 trustee Lilian G. Tsang ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors. Doc #34. Specifically, Trustee asks the court to dismiss this case for the following reasons:

1. Unreasonable delay by the debtor that is prejudicial to creditors;
2. Debtor failed to appear and testify at the initial 341 Meeting of Creditors on March 10, 2026;
3. Debtor failed to provide the required documents to the Trustee;
4. Debtor failed to file a complete plan. Paragraph 2.01 provides for a monthly payment of \$0.00 (Doc. #15);
5. Debtor failed to accurately file schedules and/or statements;
6. Debtor is ineligible to be a debtor in a Chapter 13 as Debtor has no regular income.

Doc. #34. 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. "A debtor's unjustified failure to expeditiously

accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1).” *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is “cause” for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to provide Trustee with the documentation required by 11 U.S.C. § 521(a)(3) and (4).

Trustee has not been able to determine liquidation in this case due to Debtor filing inaccurate and/or incomplete schedules.

Accordingly, pending the debtor showing that all the delinquencies set forth in the motion have been cured, the motion will be GRANTED, and the case dismissed.

15. [25-26560](#)-B-13 **IN RE: RAQUEL BURKE**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-12-2026 [\[23\]](#)

DAVID CUSICK/MV
GABRIEL LIBERMAN/ATTY. FOR DBT.
DISMISSED 3/10/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was already entered on March 10, 2026. Doc. #48. The motion will be OVERRULED AS MOOT.

16. [25-25161](#)-B-7 **IN RE: LAURENCE/CHRISTINE FERNANDEZ**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
11-12-2025 [[14](#)]

DAVID CUSICK/MV
MIKALAH LIVIAKIS/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

On March 10, 2026, Laurence and Christine Fernandez ("Debtors") voluntarily converted this case from a bankruptcy under Chapter 13 to one under Chapter 7. Doc. #32. Accordingly, this *Objection to Confirmation* of their previous Chapter 13 Plan is OVERRULED as moot.

17. [26-10562](#)-B-13 **IN RE: BALTAZAR MENDOZA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-31-2026 [[45](#)]

STEPHEN LABIAK/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 13, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

This matter is hereby CONTINUED to May 13, 2026, at 9:30 a.m. to be heard in conjunction with the Trustee's *Motion to Dismiss Case for Lack of Eligibility Under 109(e) and Failure to Make Plan Payments*. See Doc. #54.

18. [26-10562](#)-B-13 **IN RE: BALTAZAR MENDOZA**
[TJS-2](#)

OBJECTION TO CONFIRMATION OF PLAN BY ENTERPRISE BANK AND TRUST
3-27-2026 [\[41\]](#)

ENTERPRISE BANK AND TRUST/MV
STEPHEN LABIAK/ATTY. FOR DBT.
TIMOTHY SILVERMAN/ATTY. FOR MV.

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

DISPOSITION: Continued to May 13, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

This matter is hereby CONTINUED to May 13, 2026, at 9:30 a.m. to be heard in conjunction with the Trustee's *Motion to Dismiss Case for Lack of Eligibility Under 109(e) and Failure to Make Plan Payments*. See Doc. #54.

19. [24-22164](#)-B-13 **IN RE: JOHN/KIMBERLY MCCABE**
[TLA-4](#)

OBJECTION TO CLAIM OF INTERIOR FEDERAL CREDIT UNION, CLAIM
NUMBER 36-1
2-23-2026 [\[86\]](#)

KIMBERLY MCCABE/MV
THOMAS AMBERG/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Sustained without prejudice as set forth below.

ORDER: The court will issue the order.

John and Kimberly McCabe ("Debtors") object to Claim #36 filed by Interior Federal Credit Union ("Creditor"), on October 21, 2025, in the sum of \$11,131.94 and seek that it be disallowed in its entirety. Doc. #86 *et seq.*

Claimant was properly served on January 23, 2026, by first-class mail to the person designated on Claimant's proof of claim as the person to receive notices at the address indicated in accordance with Rule. 3007(a) (2) (A). Doc. #88.

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b) (1). The failure of the

creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the sustaining of the objection. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Creditor filed a Response to the Objection on March 3, 2026. Doc. #89. Debtors filed a Reply on March 10, 2026. Doc. #92. No other party in interest has responded, and the defaults of all other parties in interest are entered.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute *prima facie* evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (B.A.P. 9th Cir. 2000).

Section 502(b)(9) of the Bankruptcy Code and Rules 3002(c) and 9006(b)(3) of the Federal Rules of Bankruptcy Procedure constitute a comprehensive, unambiguous scheme that addresses the treatment of untimely filed claims. *See In re Brogden*, 274 B.R. 287, 289 (Bankr. M.D. Tenn. 2001). Section 502(b)(9) provides that a filed claim is allowed except to the extent that:

proof of such claim is not timely filed, except to the extent tardily filed as permitted under paragraph (1), (2), or (3) of section 726(a) of this title or under the Federal Rules of Bankruptcy Procedure

11 U.S.C. § 502(b)(9). Rule 3002(c) sets the time within which proofs of claim must be filed in chapter 7 cases. Fed. R. Bankr. P. 3002(c). Rule 3002(c), which specifically requires that a proof of claim be filed not later than 90 days after the first date set for the meeting of creditors under § 341(a), has only five exceptions. By virtue of Rule 9006(b)(3), a bankruptcy court does not have discretion to enlarge the time periods fixed by Rule 3002(c) nor permit an untimely claim when none of Rule 3002(c)'s five exceptions is applicable. *See, e.g., Zidell, Inc. v. Forsch (In re Coastal Alaska Lines, Inc.)*, 920 F.2d 1428, 1432-33 (9th Cir. 1990) (holding that the bankruptcy court lacks any equitable power to enlarge the time for filing a proof of claim when none of the conditions of Rule 3002(c) exists); *In re Edelman*, 237 B.R. 146, 152 (9th Cir. BAP

1999) (stating that the bankruptcy court has no discretion to alter the limitations imposed by Rule 3002(c)).

In re Hayes, 327 B.R. 453, 457-58 (Bankr. C.D. Cal. 2005). Rule 3002(c) was amended in 2017 to change the deadline from 90 days after the first date set for the 341 Meeting of Creditors to 70 days after the petition date. See Fed. R. Bankr. P. 3002(c) advisory committee's note to 2017 amendment.

While *Hayes* referenced Rule 3002(c) in the context of a Chapter 7 case, it also applies to cases filed under Chapter 13. Fed. R. Bankr. P. 3002(c) (establishing time to file proofs of claim in a voluntary Chapter 7 case or in a Chapter 12 or 13 case). The exceptions to the time bar (five at the time *Hayes* was handed down and later increased to six) are as follows:

1. The creditor is a governmental unit for whom a different time bar applies.
2. In the interests of justice, the court may extend the time for an infant or incompetent person—or a representative of either—to file a proof of claim, but only if the extension will not unduly delay case administration.
3. The claim is an unsecured claim that arises in favor of an entity or becomes allowable because of a judgment to recover money or property from that entity or a judgment that denies or avoids the entity's interest in property. The claim may be filed within 30 days after the judgment becomes final. But the claim must not be allowed if the judgment imposes a liability that is not satisfied—or a duty that is not performed—within the 30 days or any additional time set by the court.
4. A proof of claim for a claim that arises from a rejected executory contract or an unexpired lease may be filed within the time set by the court.
5. The clerk must, by mail, give at least 90 days' notice to creditors that a dividend payment appears possible and that proofs of claim must be filed by the date set forth in the notice if certain conditions are met.
6. A proof of a claim secured by a security interest in the debtor's principal residence is timely filed if certain conditions are met.

Rule 3002(c) (1)-(6). Rule 3002(c) (7) allows a creditor to file a motion to allow an untimely proof of claim.

Debtors filed their petition on May 20, 2025, and so the deadline for filing non-governmental proofs of claim was set for July 29, 2024. Docs. #1, #12. Creditor filed their Proof of Claim on October 21, 2025, nearly fifteen months after the filing deadline. POC #36-1. Notably, Creditor did not file any Rule 3002(c) (7) motion.

In response to the Objection, Creditor asserts that it did not receive proper notice of the bankruptcy in time to file a proof of claim

before the bar date ran. Doc. #89. Creditor argues that a creditor who files an untimely proof of claim may receive distribution "if the creditor that holds such claim did not have notice or actual knowledge of the case in time for timely filing of a proof of such claim." *Id.* (citing § to 11 U.S.C. § 726(a)(2)(C)(i)). While § 726(a)(2)(C)(i) does contemplate the existence and allowance of untimely proofs of claim, that says nothing about whether such a proof of claim may be disallowed if filed past the bar date without leave of court after a Rule 3002(c)(7) motion and hearing.

Furthermore, the grounds offered by Creditor for overruling Debtors' Objection are simply that Creditor did not receive notice of the claim because Creditor used an incorrect address for Creditor in the filings. Doc. #89. Lack of notice is not one of the exceptions to the time bar listed in Rule 3002(c), and this court cannot enlarge the deadline and allow Creditor's proof of claim on that basis. See *Coastal Airlines*, 920 F.2d at 1432-33 and *See Gardenhire v. U.S. Internal Rev. Serv. (In re Gardenhire)*, 209 F.3d 1145, 1152 (9th Cir. 2000).

Finally, even if the asserted lack of notice of the bankruptcy could represent an exception to Rule 3002(c), Creditor's assertions of its own lack of notice are not supported by competent evidence. Those assertions are contained in the Response to the Objection, which was the only document Creditor filed other than a certificate of service. No declarations under oath or evidentiary exhibits attesting to the fact that no notice was received and/or informing the court of when Creditor finally learned of the bankruptcy were included. An opposition is not evidence, and the author of the opposition, Creditor's counsel, does not evince firsthand knowledge in support of the motion.

The Debtor's Objection to Proof of Claim 36-1 is SUSTAINED. This ruling is without prejudice to any future proof of claim that Creditor may file pursuant to a Rule 3002(c)(7) motion seeking permission to file an untimely claim.

20. [25-27165](#)-B-13 **IN RE: JASON/TARA JONES**

ORDER TO SHOW CAUSE - FAILURE TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
3-30-2026 [\[20\]](#)

MOHAMMAD MOKARRAM/ATTY. FOR DBT.
\$28.00 FILING FEE PAID 4/1/26

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 \$28.00 filing fee was paid on April 1, 2026.
Accordingly, this order to show cause will be VACATED.

21. [26-10466](#)-B-13 **IN RE: BRYAN JOHNSON**
[DGR-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CHRISTINA LEE JOHNSON
3-30-2026 [\[17\]](#)

CHRISTINA JOHNSON/MV
PETER MACALUSO/ATTY. FOR DBT.
DEAN RALLIS/ATTY. FOR MV.

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

DISPOSITION: Continued to May 13, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Christina Lee Johnson ("Creditor") objects to confirmation of the
Chapter 13 Plan filed by Bryan Neal Johnson ("Debtor") on February 3,
2026, on the following basis:

1. The plan is not proposed in good faith.
 - a. The plan provides for a 0% treatment of a recently entered state-court judgment for intentional civil theft with criminal intent.
 - b. Debtor has 3 vehicles, 2 owned free and clear, but the plan proposes to keep the third vehicle, a Genesis, which is worth less than is owed to the secured creditor.
 - c. Debtor purchased a house for an estimated \$420,000.00 less than a month before filing bankruptcy. He now claims a homestead exemption on that property.

2. The plan fails the liquidation test, as Debtor proposes to pay unsecured creditors 0% but has significant non-exempt assets.
3. The plan is not feasible in light of the IRS's claim against Debtor which is substantially higher than projected by Debtor in his filings

Doc. #17.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

22. [26-10466](#)-B-13 **IN RE: BRYAN JOHNSON**

[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-26-2026 [\[14\]](#)

LILIAN TSANG/MV
PETER MACALUSO/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 13, 2026, 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 Bryan Neal Johnson ("Debtor") on February 3, 2026, on the following basis:

1. Debtor has not filed tax returns for 2020, 2022, and 2025.
2. Debtor's disposable income may be higher than calculated on Form 122C-2, and Trustee cannot determine whether all of Debtor's disposable income is committed for repayment of creditors.

3. The 341 Meeting of Creditors has not been concluded because Debtor failed to provide proof of his Social Security number prior to the meeting. The continued meeting is set for May 7, 2026.
4. Schedule J lists an expense in the amount of \$800.00 for a vehicle installment payment. Trustee requests copies of the installment agreement and proof that payments are being made.
5. Trustee needs verification of Debtor's qualification for the claimed Homestead Exemption.

Doc. #14.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

23. [25-26367](#)-B-13 **IN RE: WENDY/DONALD SMITH**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-13-2026 [\[25\]](#)

DAVID CUSICK/MV
DAVID FOYIL/ATTY. FOR DBT.

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

DISPOSITION: Withdrawn.

No order is required.

On February 25, 2026, David P. Cusick ("Trustee") filed a Status Report in this matter advising that Trustee's Objection had been resolved and requesting that the Objection be deemed withdrawn. Accordingly, this Objection is WITHDRAWN.

24. [25-26569](#)-B-13 **IN RE: DIEGO PINA CABALLERO AND MARIA
PINA-MENDOZA**
[KMM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY
TOYOTA MOTOR CREDIT CORPORATION
1-13-2026 [\[14\]](#)

TOYOTA MOTOR CREDIT CORPORATION/MV
JULIUS CHERRY/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION: Overruled as moot.

ORDER: The court will prepare the order.

On March 5, 2026, the court entered an order confirming the Debtors' Chapter 13 Plan dated March 5, 2026, in the above-styled case. Doc. #19. That order contained an amendment stating that Toyota Motor Credit ("Toyota") would be paid 8% on their claim, and counsel for Toyota signed off on that order. *Id.* Accordingly, Toyota's Objection to the Debtors' Chapter 13 Plan dated November 21, 2025, will be OVERRULED as moot.

25. [25-26570](#)-B-13 **IN RE: MARK VIZCARRA AND LORRAINE
ALEGRIA-VIZCARRA**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-14-2026 [\[14\]](#)

DAVID CUSICK/MV
JULIUS CHERRY/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will prepare the order.

On April 9, 2026, the court entered an order confirming the Debtors' Chapter 13 Plan dated November 21, 2025, in the above-styled case. Doc. #26. That order contained an amendment stating that unsecured creditors will receive no less than 15%, and counsel for the Trustee signed off on the order. *Id.* Accordingly, Trustee's Objection to the Debtors' Chapter 13 Plan will be OVERRULED as moot.

26. [25-26472](#)-B-13 **IN RE: DAVID CANNAVO**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-14-2026 [\[38\]](#)

DAVID CUSICK/MV
ANTHONY EGBASE/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

This objection was originally heard on January 14, 2026, by Judge Frederick Clement. Doc. #38. Judge Clement continued the case, which was later transferred to the undersigned judge. Doc. #43; Docket generally.

Chapter 13 trustee David P. Cusick ("Trustee") objected to confirmation of the *Chapter 13 Plan* filed by David Cannavo ("Debtor") on November 30, 2025, on the following grounds:

1. Debtor failed to appear at the 341 Meeting of Creditors set for January 8, 2026. The docket reflects that Debtor did appear at the continued hearing on February 5, 2026, and the meeting was concluded.
2. Debtor was delinquent in plan payments by \$925.54 as of January 14, 2026, with additional plan payments accruing on the 25th of each month.
3. The plan calls for monthly payments of \$925.54 for 60 months with 9% to general unsecured creditors. This is inadequate to complete plan payments in 60 months. Trustee estimates that Debtor must increase monthly payments to at least \$1,519.25 per month for the plan to be feasible. Based on Debtor's most recent Schedules I & J, it does not appear that Debtor can afford this higher plan payment.

Doc. 38.

The court continued this objection to April 15, 2026. Doc. #43. Per Judge Clements order, Debtor was directed to do one of the following: (A) file a statement of non-opposition to the Objection, (B) respond in writing to the points raised by the objection; or (C) file a modified plan. *Id.* The Debtor did none of these. Therefore, Trustee's objection will be SUSTAINED on the grounds stated in the objection.

27. [26-10472](#)-B-13 **IN RE: WILLIAM MARTINEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-25-2026 [[27](#)]

ARETE KOSTOPOULOS/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 13, 2026, 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 William Martinez ("Debtor") on February 3, 2026, on the following basis:

1. The 36-month plan provides for a monthly payment of \$2,379.92, which is insufficient to perform the plan within 36 months. The plan payment must be increased to at least \$2,558.62 per month for the plan to be feasible at 36 months,
 - a. Also, the plan provides for NewRez to be treated as a Class 1 creditor, but NewRez's proof of claims calls for a slightly higher claim amount than estimated by Debtor, and the monthly dividend to NewRez must increase from \$750.00 to \$753.00 per month.
2. The 341 meeting of creditors has not been concluded due to Debtor's failure to provide required documentation in advance of the hearing. The continued meeting is set for April 9, 2026.
 - a. Debtor has also failed to provide required documents including but not limited to Debtor's 2024 tax returns and Proof or Declaration regarding third-party contributions.
3. The Disclosure of Compensation of Attorney contains errors and must be amended.

Doc. #27.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

28. [26-10477](#)-B-13 **IN RE: RONNIE/TOWANA JOHNSON**
[BRL-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY VALERIE THOMPSON AND HELEN THOMPSON, TRUSTEES OF THE TRILOGY LIVING TRUST DATED FEBRUARY 14, 2020, AND ANY AMENDMENTS THERETO
3-30-2026 [\[36\]](#)

VALERIE THOMPSON AND HELEN THOMPSON, TRUSTEES OF THE DAVID JOHNSTON/ATTY. FOR DBT.
BENJAMIN LEVINSON/ATTY. FOR MV.

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

DISPOSITION: Continued to May 13, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Valerie Thompson And Helen Thompson, Trustees Of The Trilogy Living Trust Dated February 14, 2020, And Any Amendments Thereto ("Trilogy") objects to confirmation of the *Chapter 13 Plan* filed by Ronnie and Towana Johnson ("Debtors") on February 14, 2026, on the following basis:

1. The plan is not feasible because Debtor Ronnie Johnson admitted at the meeting of creditors that he was not receiving the \$1,000.00 in income listed on his Schedule I and that he and his wife and co-debtor only draw income from monthly Social Security payments The Debtors therefore do not have income sufficient to fund the plan.
2. The plan relies on a speculative refinance of certain property within seven (7) months of the case filing, during which time Debtors will make just periodic payments, no payments for arrearages, and no payments for delinquent property taxes. There is no evidence that Debtors have even begun seeking a refinance of the affected property.

Doc. #36.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

29. [26-10477](#)-B-13 **IN RE: RONNIE/TOWANA JOHNSON**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G TSANG
3-26-2026 [33]

LILIAN TSANG/MV
DAVID JOHNSTON/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 13, 2026, 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 Ronnie and Towana Johnson ("Debtors") on February 20, 2026, on the following basis:

1. The plan provides for Trilogy Living Trust as a Class 2 creditor in the amount of \$114,369.00 to be paid at 8% interest with a monthly dividend of \$763.00 in months 1 through 6 and a lump sum payment in month 7 to pay the secured claim in full. However, Trilogy Living Trust has filed a secured claim in the amount of \$131,767.29. (Claim 10-1.) The higher amount of the secured claim causes the plan to not be feasible.
2. Debtors' Plan provides for payments of \$1,570.00 per month for 6 months, \$130,000.00 in month 7, and \$718.00 per month for 29 months. (Dkt. 16.) Trustee was informed that the lump sum payment is expected from a proposed refinance that is highly speculative. Until the refinance of this property is imminent, Trustee is unable to determine whether Debtors' plan is feasible. In addition, Trustee requests proof that Debtors have in fact begun the refinance process.

Doc. #33.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

30. [26-10179](#)-B-13 **IN RE: DAVID GRAHAM**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G TSANG
2-26-2026 [\[12\]](#)

LILIAN TSANG/MV
STEVEN ALPERT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to May 13, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

This matter was originally heard on March 18, 2026. Doc. #16.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by David Graham ("Debtor") on January 19, 2026, on the following basis:

1. Trustee requests an Amended Form 122C-2 which removes deductions for secured debts which the Plan states are to be paid by Debtor's separate spouse.
2. Schedule I must be amended as it lists a \$150.02 deduction for voluntary contributions to retirement plans, but Trustee has been informed that Debtor is not contributing to a retirement plan.

Doc. #33. On March 12, 2026, Debtor filed a Response requesting more time to file amended documents that would resolve Trustee's objections. Doc #15. On March 18, the court continued the matter

to afford Debtor opportunity to resolve the Trustee's Objections with supplemental filings. Doc. #16.

On April 1, 2026, Debtor supplemented his Response, stating that Debtor's counsel anticipated filing an Amended Schedule I and an Amended Form 122-C later that week. Doc. #19. As of April 9, 2026, no such amendments had been filed.

On April 7, 2026, the Trustee filed a Supplemental Objection noting that the referenced amendments had not been filed. Doc. #20. The Trustee also added additional grounds for objection:

3. According to the letter which the Trustee received from the Internal Revenue Service, Debtor did not file income tax returns for 2024 or 2025, nor WT-FICA and Excise tax returns for 2023 through 2025.
4. The IRS has filed a proof of claim asserting a \$34,880.94 in priority debt owed by the Debtor. The proposed plan is not feasible to provide the full amount of priority claims filed.

Id.

Because Trustee has supplemented her Objection with additional grounds not raised in the previous filing, the court chooses to continue this matter once more to afford Debtor a chance to fully respond. This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

31. [26-10585](#)-B-13 **IN RE: KRISTINE DIAZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-27-2026 [\[12\]](#)

LILIAN TSANG/MV
THOMAS MOORE/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 13, 2026, 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 Kristine Diaz ("Debtor") on February 12, 2026, on the following basis:

1. At the 341 Meeting of Creditors, Debtor advised Trustee of the existence of an undisclosed interest in an inheritance. Trustee requests an amended Schedule A/B.
2. Debtor has failed to file the required attachment for Schedule I at line 8a for each business showing gross receipts ordinary and necessary business expenses, and the total monthly net income. Trustee requests an amended Schedule I with the business income and expense attachment completed.
3. The 341 meeting of creditors has not been concluded, and not all documents were provided. Debtor failed to timely provide the Chapter 13 Business Questionnaire. The continued meeting of creditors is set for April 23, 2026. Also, Debtor has failed to provide her 2024 tax returns and her bank statements for the full 6 months prior to filing.
4. The Disclosure of Compensation Form must be amended. The Rights and Responsibilities Form must be filed. The Voluntary Petition must be amended to add all the other names Debtor has used in the last 8 years because the names on Debtors identification and her social security card are different.
5. Debtor lists the claim of Exeter Finance secured by a 2016 Chevrolet Traverse in Class 4, but the proof of claim indicates that this loan will mature during the pendency of the case. Consequently, this claim must treated as a Class 2 claim.

Doc. #33.

This objection will be CONTINUED to May 13, 2026, 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 Debtors' 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.

11:00 AM

1. [25-10429](#)-B-7 **IN RE: LOUIE ESPARZA AND COLLEEN DOUGHERTY**
[25-1015](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-11-2025 [[1](#)]

MARCUM ET AL V. ESPARZA, JR. ET AL
ERIKA RASCON/ATTY. FOR PL.

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

DISPOSITION: Continued to May 13, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

This matter is hereby CONTINUED to May 13, 2026, at 11:00 a.m.

2. [23-12066](#)-B-13 **IN RE: DONALD/JOY RICKETTS**
[23-1038](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
9-21-2023 [[1](#)]

C.F. V. RICKETTS
CHANTAL TRUJILLO/ATTY. FOR PL.

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

DISPOSITION: Continued to June 17, 2026, at 11:00 a.m.

ORDER: The court will issue an order.

This matter is hereby CONTINUED to June 17, 2026, at 11:00 a.m.
Parties to submit joint or unilateral status reports no later than
June 10, 2026.

3. [25-10088](#)-B-11 **IN RE: AMY CORPUS**
[25-1017](#)

CONTINUED STATUS CONFERENCE RE: FIRST AMENDED COMPLAINT
10-16-2025 [[37](#)]

SLOVER ET AL V. CORPUS
JEFFREY HOGUE/ATTY. FOR PL.

NO RULING.

4. [25-10088](#)-B-11 **IN RE: AMY CORPUS**
[25-1017](#) [FW-3](#)

FURTHER STATUS CONFERENCE RE: MOTION FOR SUMMARY JUDGMENT
1-14-2026 [[59](#)]

SLOVER ET AL V. CORPUS
PETER SAUER/ATTY. FOR MV.

NO RULING.

5. [25-13792](#)-B-7 **IN RE: PETE/JENNIFER KENNEDY**
[26-1005](#) [PK-1](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
3-12-2026 [[8](#)]

DANA V. KENNEDY ET AL
PATRICK KAVANAGH/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will be called as scheduled.

DISPOSITION: Denied as moot. Defendants to file responsive
pleading 14 days after entry of order.

ORDER: The court will issue an order.

Plaintiff Niccola Dana ("Plaintiff") filed this adversary proceeding for determination of the dischargeability of a debt owed Plaintiff by the debtors Peter Edward Kennedy and Jennifer Lee Kennedy ("Defendants"). On March 12, 2026, Defendants filed a motion to dismiss the complaint under Civ. R. 12(b)(5) challenging the sufficiency of the service of the summons and complaint on the Defendants. Plaintiff opposes the motion. Since the deficiency of serving the incorrect summons with the complaint has been corrected, the court DENIES AS MOOT the Motion to Dismiss. Defendants shall file a responsive pleading within 14 days of entry of the order.

I.

Plaintiff filed the complaint on February 10, 2026. That same day, the Clerk issued a summons and Notice of Status Conference in an Adversary Proceeding ("First Summons"). Doc. #3. The First Summons mistakenly did not include the court's address. In addition to the First Summons, the court also issued on February 10, 2026, an Order to Confer.

One day later, on February 11, 2026, the court re-issued the summons which included the court's correct address ("Second Summons"). Doc. #6.

However, on February 12, 2026, Plaintiff caused Service of the First Summons and Notice of Status Conference and Complaint. The Certificate of Service was filed with the court February 17, 2026. Doc. #7. The Certificate of Service did not state that the Order to Confer was served with the First Summons.

After this motion was filed by the Defendants, Plaintiff caused a third summons to be reissued on March 25, 2026, ("Third Summons"). Doc. #12. A Certificate of Service of the Third Summons and Notice of Status Conference; and Order to Confer on Initial Disclosures and Setting Deadlines was served March 28, 2026, on behalf of the Plaintiff. Doc. #17. The Third Summons sets the initial status conference in this adversary proceeding for May 20, 2026, at 11:00 a.m. Doc. #15.

II.

Defendants argue in the motion that service was not complete because the First Summons was served instead of the Second Summons. Doc. #8. So, Defendants contend that there was insufficient service of process since an invalid summons was served by the Plaintiff. Notably, Defendants' motion is not in conformance with Rule 7012(b) which requires: "a responsive pleading must state whether the party does or does not consent to entry of final orders or judgments by the bankruptcy court."

Technically, Defendants are correct. Before this motion was filed, Defendants were not served with the correct summons since the Second Summons was issued on February 12, 2026, and not served on the Defendants. But the Plaintiff's opposition included a declaration. Doc. #14. The declaration of Plaintiff recounts that she was unaware of the court issuing the Second Summons until receipt of Defendants' pleadings on this motion. *Id.* On March 25, 2026, Plaintiff requested the court issue the Third Summons which has been served on the Defendants and their counsel. *Id.*

III.

A motion under Civ. R. 12(b)(5) (Rule 7012) challenges any irregularities in the manner and delivery of the summons and complaint. *Chilicky v. Schweiker*, 796 F.2d, 1131, 1136 (9th Cir. 1986) *reversed on other grounds* 487 U.S. 412 (1988). These motions require the court to look to matters outside the complaint to determine whether it has jurisdiction. *Darden v. Daimler Chrysler N. Am. Holding Corp.*, 191 F.Supp2d 382, 387 (S.D.N.Y. 2002).

The Plaintiff bears the burden of proof on these motions to prove adequacy of service. *Buon v. Spindler*, 65 F.4th 64, 73 (2nd Cir. 2023); *Beatie & Osborn, LLP v. Patriot Scientific Corp.*, 431 F.Supp 2d 367, 384. Here, the Plaintiff does have the burden of proof to show proper service. Prior to the Plaintiff applying for and the court issuing the Third Summons, Plaintiff could not meet her burden of

proof. The court would then likely quash service and provide the Plaintiff the opportunity to properly serve the Defendants with a correct summons and complaint and accompanying documents. However, with the issuance of the Third Summons and what appears to be proper service of that summons and complaint and accompanying documents, the corrective measure has already been taken by the Plaintiff.

The court has discretion to dismiss a complaint under Civ. R. 12(b)(5) but it is not mandatory. *Darden*, 191 F.Supp 2d at 387. Civ. R. 4 (dealing with service of summons) is a flexible Rule that should be liberally construed so long as a party receives sufficient notice of the complaint. Dismissal is not justified without prejudice to the Defendants. *United Food & Commercial Workers' Union v. Alpha Beta Co.*, 736 F.2d 1371, 1382 (9th Cir. 1984).

The Certificate of Service of the Third Summons and the Complaint and the accompanying documents correct any deficiencies in the improper service of the First Summons. That Certificate of Service does state that the Defendants and their counsel were served with the Third Summons, Complaint, and additional documents by First Class United States Mail, postage fully prepaid on March 28, 2026. Doc. #17. The declaration of the process server has a presumption of correctness and can be overcome only by strong and convincing evidence. *S.E.C. v. Internet Sols. for Bus. Inc.*, 509 F.3d 1161, 1166 (9th Cir. 2007). Defendants here have outlined no prejudice nor any other facts suggesting that they do not have proper notice of the proceeding. Nevertheless, Defendants have 14 days from the date of entry of the order on this motion to file a responsive pleading.

DENIED AS MOOT. Defendants shall file a responsive pleading within 14 days of the date of entry of the order on this motion.