



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, April 16, 2026
Department A – Courtroom #11
Fresno, California

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at Courtroom #11, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/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 trials or evidentiary hearings, though they may appear in person in most instances.

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

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

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

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

9:30 AM

1. [25-13205](#)-A-13 **IN RE: ROSALINDA/FRANK TERRONES**
[TAM-1](#)

MOTION TO CONFIRM PLAN
3-12-2026 [\[42\]](#)

FRANK TERRONES/MV
THOMAS MOORE/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to May 21, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to confirm the chapter 13 plan because: (1) the plan needs to provide for U.S. Bank Trust N.A.'s claim, which can be resolved in an order confirming plan; and (2) the disclosure of compensation of attorney needs to be amended. Tr.'s Opp'n, Doc. #47.

This motion is continued to May 21, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later May 7, 2026. 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. Trustee shall file and serve a reply, if any, by May 14, 2026.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 14, 2026. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

2. [26-10609](#)-A-13 **IN RE: ALEJANDRO HERNANDEZ AND KRISTINA TREADWELL**
[LGT-1](#)

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

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 21, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Alejandro Hernandez and Kristina Anne-Marie Treadwell (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on February 16, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) a motion to value the collateral of Consumer Portfolio Services ("Motion to Value") needs to be filed for Trustee to determine feasibility, and (2) the meeting of creditors has not yet concluded. Doc. #14. Debtors' 341 meeting of creditors was held on April 9, 2026 and was concluded. See court docket entry entered on April 9, 2026. To date, no Motion to Value has been filed.

This objection is continued to May 21, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than May 7, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Trustee shall file and serve a reply, if any, by May 14, 2026.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 14, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

3. [26-10609](#)-A-13 **IN RE: ALEJANDRO HERNANDEZ AND KRISTINA TREADWELL**
[SD-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CONSUMER PORTFOLIO SERVICES, INC.
3-17-2026 [\[12\]](#)

CONSUMER PORTFOLIO SERVICES, INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHANNON DOYLE/ATTY. FOR MV.

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

DISPOSITION: Continued to May 21, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

As a procedural matter, the notice of hearing for this objection does not comply with Local Rule of Practice 9004-2(c)(1), which requires, among other things, proofs of service to be filed as a separate document from the pleading being served. Here, the notice of hearing and certificate of service were filed as a single document. Doc. #13. In the future, the notice of hearing and certificate of service should be filed as separate documents.

Alejandro Hernandez and Kristina Anne-Marie Treadwell (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on February 16, 2026. Doc. ##1, 3. Consumer Portfolio Services, Inc. ("Creditor") objects to confirmation of the Plan because Debtors do not provide for the correct payments on this debt, as the Plan fails to pay the applicable prime plus interest rate, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #12.

This objection is continued to May 21, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to

confirmation is withdrawn, Debtors shall file and serve a written response no later than May 7, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Creditor shall file and serve a reply, if any, by May 14, 2026.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 14, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

4. [26-10011](#)-A-13 **IN RE: JAMES/JENNIFER BOWERS**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
2-17-2026 [[19](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation on March 17, 2026. Doc. #39.

5. [26-10511](#)-A-13 **IN RE: MARY MACIAS**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-30-2026 [[16](#)]

MOHAMMAD MOKARRAM/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation on April 3, 2026. Doc. #23.

6. [25-11717](#)-A-13 **IN RE: ADRIENNE HUMKEY**
[DEI-3](#)

MOTION TO CONFIRM PLAN
3-1-2026 [[85](#)]

ADRIENNE HUMKEY/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

7. [25-11923](#)-A-13 **IN RE: IRIS MURILLO**
[PK-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-18-2026 [[67](#)]

ELMER F. KARPE, INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
PATRICK KAVANAGH/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

8. [23-11824](#)-A-13 **IN RE: DARIN/YVETTE CIOTTI**
[LGT-1](#)

MOTION TO DISMISS CASE
3-13-2026 [[66](#)]

LILIAN TSANG/MV
KEVIN TANG/ATTY. FOR DBT.
CONVERTED 4/7/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

A notice of voluntary conversion was filed in this case on April 7, 2026.
Doc. #70. Therefore, this motion is DENIED AS MOOT.

9. [25-13930](#)-A-13 **IN RE: MINERVA MARTINEZ**
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE
2-5-2026 [[18](#)]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

10. [26-10546](#)-A-13 **IN RE: JAMES LEACH AND EBONY GRAHAM**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-27-2026 [[16](#)]

LILIAN TSANG/MV
NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 21, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

James Junior Leach and Ebony Jamila Graham (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on February 10, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtors' Plan and Schedule E/F fail to list the claim of the Franchise Tax Board; (2) a motion to value the collateral of Santander Bank needs to be filed for Trustee to determine feasibility; (3) Debtors' monthly Plan payments need to be increased; (4) the attorney's fees monthly dividend for Debtors' counsel needs can be no more than \$158.34 per month instead of \$300.00 as proposed in Plan; (5) Trustee needs payment

advices for the pay periods of August 1, 2025 through November 30, 2025; (6) either an amended Schedule A/B needs to be filed to include Debtors' tax refund or a declaration needs to be filed explaining how the tax refund was expended pre-petition; and (7) the meeting of creditors has not yet concluded. Doc. #16. Debtors' 341 meeting of creditors was continued to May 7, 2026 at 10:00 a.m. See court docket entry entered on March 24, 2026.

This objection is continued to May 21, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than May 7, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Trustee shall file and serve a reply, if any, by May 14, 2026.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 14, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

11. [26-10546](#)-A-13 **IN RE: JAMES LEACH AND EBONY GRAHAM**
[SKI-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SANTANDER BANK, N.A.
3-20-2026 [[12](#)]

SANTANDER BANK, N.A./MV
NEIL SCHWARTZ/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.
RESOLVED BY STIPULATION, ECF. ORDER #21

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

The motion was resolved by stipulation and order entered on April 8, 2026. Doc. #21.

12. [25-14347](#)-A-13 **IN RE: RYAN/AMANDA CRAIN**
[SLL-1](#)

MOTION TO CONFIRM PLAN
3-2-2026 [[24](#)]

AMANDA CRAIN/MV
STEPHEN LABIAK/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on March 30, 2026. Doc. #37.

13. [26-10470](#)-A-13 **IN RE: CHRISANTO/TIFFANY MARTINEZ**
[PGM-1](#)

MOTION TO CONFIRM PLAN
3-3-2026 [[30](#)]

TIFFANY MARTINEZ/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with Local Rule of Practice ("LBR") 9014-1(d)(3)(B)(i), which requires the notice to include the names and addresses of persons who must be served with any opposition.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by LBR 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an opposition to the debtors' motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #46. Specifically, Trustee opposes confirmation because: (1) an amended Schedule C needs to be filed to correct debtors' claimed exemptions scheme; (2) the debtors are delinquent in plan payments; (3) the debtors failed to provide Trustee with required documents including, but not limited to, a domestic support checklist and proof of VA Disability income; and (4) the meeting of creditors has not been concluded. Doc. #46. The debtors' 341 meeting of creditors was concluded on April 9, 2026. See court docket entry entered on April 9, 2026. An amended Schedule C was filed on April 10, 2026. Doc. #51.

Debtors filed a response to Trustee's opposition stating that the motion to confirm is not proper at this time because the debtors have been offered a loan modification that would, if approved, allow the debtors to be current under

their mortgage. Doc. #50. The debtors state that the instant motion should be denied at this time. Id.

Accordingly, the motion will be DENIED at the request of the movants.

14. [24-23175](#)-A-13 **IN RE: DAVID FRIAS**
[BLG-4](#)

MOTION TO MODIFY PLAN
3-10-2026 [\[117\]](#)

DAVID FRIAS/MV
CHAD JOHNSON/ATTY. FOR DBT.

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

DISPOSITION: Continued to May 21, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with Local Rule of Practice ("LBR") 9014-1(d)(3)(B)(i), which requires the notice to include the names and addresses of persons who must be served with any opposition.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by LBR 3015-1(d)(2). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the modified chapter 13 plan because the debtor did not file amended Schedules I and J. Doc. #128. Even though the debtor asserts there has been no budget change, Trustee would like to review an updated budget to ensure plan feasibility. Id. To date, no amended Schedules I and J have been filed since October 8, 2024. Doc. #35.

This motion is continued to May 21, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later May 7, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by May 14, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than May 14, 2026. If the debtors do not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

15. [24-23175](#)-A-13 **IN RE: DAVID FRIAS**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
2-20-2026 [[107](#)]

DAVID CUSICK/MV
CHAD JOHNSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to May 21, 2026 at 9:30 a.m.

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

Because the trustee's motion to dismiss is based on delinquent plan payments and because the court has continued the hearing on the debtor's motion to confirm a modified plan (calendar matter #14 above), the trustee's motion to dismiss will be continued to May 21, 2026 at 9:30 a.m. to be heard with in connection with the continued hearing on the debtor's motion to modify plan (BLG-4). Doc. ##117-122.

16. [25-13275](#)-A-13 **IN RE: JUAN CARLOS MIRANDA AND CARRIE BONILLA**
[MAZ-3](#)

MOTION TO MODIFY PLAN
3-9-2026 [[53](#)]

CARRIE BONILLA/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after the hearing.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to confirm the modified chapter 13 plan ("Plan"). Doc. #61. The failure of other creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered.

Trustee opposes confirmation of the Plan because: (1) the proposed monthly plan payments exceed the remaining 55 months to fund; (2) the monthly plan payments need to be increased; and (3) the debtors' current amended Schedules I and J do not support increased plan payments. Doc. #61. In response, the debtors state

that the debtors agree to increase the plan payments in an order confirming plan and the debtors will be filing an amended Schedules I and J to show they have enough income to fund the proposed modified plan. Doc. #64. On April 14, 2026, the debtors filed amended Schedules I and J showing that the debtors have sufficient net monthly income to support the increased plan payments. Doc. #66.

It appears, based on the debtors' response and amended schedules, that all outstanding issues raised in Trustee's opposition to the motion to modify plan are resolved. Therefore, the court is inclined to overrule Trustee's opposition.

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

17. [25-10076](#)-A-13 **IN RE: JUSTIN/THAYER MENG**
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-4-2026 [[66](#)]

US BANK TRUST NATIONAL ASSOCIATION/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.
DISMISSED 4/13/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An order dismissing this case pursuant to the debtors' request was entered on April 13, 2026. Doc. #78. Therefore, this motion is DENIED AS MOOT.

18. [25-10076](#)-A-13 **IN RE: JUSTIN/THAYER MENG**
[LGT-1](#)

MOTION TO DISMISS CASE
3-13-2026 [[73](#)]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
DISMISSED 4/13/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An order dismissing this case pursuant to the debtors' request was entered on April 13, 2026. Doc. #78. Therefore, this motion is DENIED AS MOOT.

19. [25-13478](#)-A-13 **IN RE: MARC ZENDEJAS**
[LGT-2](#)

MOTION TO DISMISS CASE
3-9-2026 [[50](#)]

LILIAN TSANG/MV
DAVID FOYIL/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN 4/6/26

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on April 6, 2026. Doc. #63.

20. [25-25179](#)-A-13 **IN RE: AARON/MELISSA HODGES**
[MRL-1](#)

MOTION TO CONFIRM PLAN
3-3-2026 [[33](#)]

MELISSA HODGES/MV
MIKALAH LIVIAKIS/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.

As an informative matter, the movant did not mark anything in Section 5 of the court's mandatory Certificate of Service form. The movant should have checked the appropriate box under Section 5 as to who is being served.

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with Local Rule of Practice ("LBR") 9014-1(d)(3)(B)(i), which requires the notice to include the names and addresses of persons who must be served with any opposition.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to LBR 3015-1(d)(1). The chapter 13 trustee ("Trustee") timely filed written non-opposition to this motion. See Non-Opp'n, Doc. #40. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d

915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

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

21. [25-21680](#)-A-13 **IN RE: ALIAYA PARKER**
[CYB-3](#)

CONTINUED MOTION TO CONFIRM PLAN
2-3-2026 [[89](#)]

ALIAYA PARKER/MV
CANDACE BROOKS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to May 7, 2026 at 9:30 a.m.

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

The motion to confirm plan will be continued to May 7, 2026 at 9:30 a.m. to be heard with the objection to claim number 7 of the Internal Revenue Service (CYB-05). Doc. #126.

22. [25-26480](#)-A-13 **IN RE: NICHOLAS DESTFINO**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-12-2026 [[20](#)]

DAVID CUSICK/MV
PETER MACALUSO/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection on April 9, 2026. Doc. #35.

MOTION TO DISMISS CASE
3-9-2026 [[20](#)]

LILIAN TSANG/MV
GABRIEL LIBERMAN/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of 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). 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 default of the debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case because the debtor is not eligible to be a debtor in chapter 13 because the debtor's unsecured debts exceed the debt limits set forth in 11 U.S.C. § 109(e). 11 U.S.C. § 109(e) provides that only an individual that owes as of the petition date, noncontingent, liquidated, unsecured debts of less than \$526,700.00 may be a debtor under chapter 13 of this title. The debtor in this case has listed noncontingent, liquidated general unsecured debts totaling \$911,857.00 on her schedules, and therefore, she is not eligible to be a debtor in chapter 13. Doc. #20. The debtor did not oppose.

Chapter 13 eligibility is determined by § 109(e) of the Bankruptcy Code, which states that "[o]nly an individual . . . that owes, on the date of the filing of the petition, noncontingent, liquidated, unsecured debts of less than \$526,700 and noncontingent, liquidated, secured debtors of less than \$1,580,125 . . . may be a debtor under chapter 13 of this title." 11 U.S.C. § 109(e). Extensive inquiries and evidentiary hearings need not dominate in the eligibility determination analysis. Guastella v. Hampton (In re Guastella), 341 B.R. 908, 918 (9th Cir. B.A.P. 2006). In the Ninth Circuit, "the rule for determining Chapter 13 eligibility under § 109(e) [is] that eligibility should normally be determined by the debtor's originally filed schedules, checking only to see if the schedules were made in good faith." Scovis v. Henrichsen (In re Scovis), 249 F.3d 975, 982 (9th Cir. 2001); Martindale v. Meenderinck (In re Meenderinck), 2006 WL 6810973, *5 (B.A.P. 9th Cir. 2006) ("Generally, only if there are allegations of bad faith does Ninth Circuit law allow the court to look past the schedules to other evidence in evaluating the claims amount.").

Based on the debtor's filed schedules, the debtor is ineligible to be a debtor under chapter 13 pursuant to 11 U.S.C. § 109(e). 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 review of the debtor's Schedules A/B and D shows that the debtor's real property and vehicles are overencumbered. Schedules A/B & D, Doc. #1. The debtor has just under \$2,300.00 in non-exempt funds in a checking account as well as \$2,800.00 in a projected tax refund for 2026. Schedules A/B & C, Doc. #1. The debtor also scheduled a potential claim that is subject to a lawsuit against the mortgage lender on the debtor's primary residence based on allegations of violating the California Homeowner Bill of Rights and the Real Estate Settlement Procedures in which no exemption is claimed. Id. The value of that claim is listed as unknown. Schedule A/B, Doc. #1.

Because the non-exempt assets are largely comprised of projected and speculative values, the court finds that there is minimal non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed. Thus, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED, and the case dismissed.

24. [26-10087](#)-A-13 **IN RE: MARI RUB-FERRELL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
3-18-2026 [\[45\]](#)

\$163.00 FINAL INSTALLMENT PAID 3/24/26

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid.

25. [26-10087](#)-A-13 **IN RE: MARI RUB-FERRELL**
[LGT-3](#)

MOTION TO DISMISS CASE AND/OR MOTION FOR SANCTIONS
3-9-2026 [\[38\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Granted.

ORDER: The court will issue the order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of 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). 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 default of the debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. §§ 329 and 1307 with a bar against future filings for a minimum of two years and assessing sanctions for future filings on the grounds that Mari Angela Rub-Ferrell ("Debtor") is a serial filer and that this case was filed in bad faith. Doc. #38. This is the fourth voluntary chapter 13 petition filed by Debtor since April 24, 2024, and each of the prior cases were dismissed prior to confirmation of a chapter 13 plan. Id. Trustee seeks to dismiss the current case because (1) Debtor has failed to file a certificate showing that Debtor received credit counseling within the 180 days prior to filing this bankruptcy case and therefore is not eligible to be a debtor under chapter 13; (2) Debtor is delinquent in plan payments in the amount of \$640.00; and (3) Debtor has failed to file a motion to confirm Debtor's amended chapter 13 plan. Id.

Since April 24, 2024, Debtor has filed the three chapter 13 bankruptcy cases that were dismissed for the following reasons:

1. Case No. 24-11037 (Chapter 13) was filed on April 24, 2024, and dismissed on May 13, 2024 for failure to file documents.
2. Case No. 25-10352 (Chapter 13) was filed on February 7, 2025, and dismissed on June 4, 2025 for failure to provide required documents to Trustee and failure to make all payments due under the chapter 13 plan.
3. Case No. 25-13118 (Chapter 13) was filed on September 16, 2025, and dismissed on January 8, 2026 for failure to complete credit counseling within 180 days prior to the petition filing date pursuant to 11 U.S.C. §109(h).

The current case, filed on January 12, 2026, is Debtor's fourth petition filed in less than 2 years with the current case being the third petition filed in less than one year. While a plan has been filed, that plan has not yet been set for hearing. Further, no credit counseling certificate was filed with the petition to show completion of required credit counseling within 180 days prior to the petition date.

Under 11 U.S.C. § 109(h), an individual may not be a debtor unless the debtor received credit counseling within the 180-day period ending on the petition date. 11 U.S.C. § 109(h)(1). Here, Debtor filed for relief under chapter 13 of the Bankruptcy Code on January 12, 2026. Doc. #1. Debtor is representing herself in this bankruptcy case. Id. With the petition, Debtor did not file a Certificate of Counseling indicating that Debtor received credit counseling during the 180 days prior to the petition date. Doc. #1. Because a Certificate of Counseling was not filed to show that Debtor received her credit counseling within the 180 days prior to filing her current bankruptcy petition, Debtor is not eligible to be a debtor pursuant to 11 U.S.C. § 109(h), and dismissal of

Debtor's bankruptcy case is required. This is the same reason the court dismissed Debtor's third bankruptcy petition four days before Debtor filed this bankruptcy case. Case No. 25-13118, Court Audio, Doc. #45; Doc. #1.

Turning to Trustee's request to bar Debtor from filing future bankruptcy cases for a minimum of two years, generally, dismissals of individual bankruptcy cases are governed by § 349 and § 109(g) of the Bankruptcy Code. Section 349(a) states that dismissal of a bankruptcy does not "prejudice the debtor with regard to filing of a subsequent petition under this title, except as provided in section 109(g)." 11 U.S.C. § 349(a). Section 109(g) bars individuals from being debtors under the Code who have, within the preceding 180 days, had a prior case dismissed "for willful failure of the debtor to abide by orders of the court or to appear before the court in proper prosecution of the case." 11 U.S.C. § 109(g). Viewed in tandem, these Code provisions state the general proposition that a court may only impose a 180-day bar on refiling by a debtor after dismissing the debtor's case with a finding of willful failure to abide by the court's orders.

However, § 349 also implicitly empowers the court, for cause, to order the dismissal of a case and to impose a bar on the filing of any subsequent petition for periods longer than 180 days, or even permanently. Leavitt v. Soto (In re Leavitt), 171 F.3d 1219, 1223 (9th Cir. 1999) (superseded on other grounds as recognized by In re Burkes, Nos. 21-23813-rmb, 22-20431-rmb, 2023 Bankr. LEXIS 2401, at *17 (Bankr. E.D. Wis. Sep. 29, 2023)). See also Duran v. Rojas (In re Duran), 630 B.R. 797 (B.A.P. 9th Cir. 2021).

As the Leavitt court noted, the Bankruptcy Code does not specifically define "cause" in the context of bankruptcy dismissal. Leavitt, 171 F.3d at 1224. However, the Ninth Circuit went on to note that "bad faith" is a "cause" for dismissal under § 1307(c), and the court reasoned that "bad faith based on egregious behavior can justify dismissal with prejudice." Id. To reach such justification, Leavitt continues, a bankruptcy court should consider "the totality of the circumstances," taking into account the following factors:

- (1) whether the debtor "misrepresented facts in his [petition or] plan, unfairly manipulated the Bankruptcy Code, or otherwise [filed] his Chapter 13 [petition or] plan in an inequitable manner,";
- (2) "the debtor's history of filings and dismissals,";
- (3) whether "the debtor only intended to defeat state court litigation,";
- (4) whether egregious behavior is present.

Id. (citations omitted). "[T]he court is not obligated to count the four Leavitt factors as though they present some sort of a box-score but rather is to consider them all and weigh them in judging the 'totality of the circumstances.'" In re Lehr, 479 B.R. 90, 98 (Bankr. N.D. Cal. 2012). The court considers the Leavitt factors under the "preponderance of the evidence" standard. In re Dores, 2017 Bankr. LEXIS 1539, at *14 (Bankr. E.D. Cal. June 7, 2017).

Here, Debtor's history of filings and dismissals clearly demonstrates an unfair manipulation of the Bankruptcy Code. Including the current case, Debtor has filed three bankruptcy petitions in less than one year. All of the other previous cases were dismissed within four months of filing, and the current case is ripe for the same disposition. Further, while Debtor is representing herself as pro se, Debtor has been warned numerous times within the dismissed cases and the current case what needs to be done to be a chapter 13 debtor. Specifically, Debtor knows that she needs to make plan payments and needs to complete credit counseling within 180 days prior to the petition filing date, which Debtor has failed to do again in the current case. Thus, the first and second Leavitt factors support a finding of bad faith.

It is impossible to say whether Debtor's goal in filing for bankruptcy is to defeat any pending state court litigation because Debtor has provided minimal documentation regarding any state court proceedings beyond the petition over the course of the three filings and the court has only gotten information of potential state court proceedings from a creditor filing relief from the automatic stay. Thus, the third Leavitt factor is, at best, a neutral factor.

Finally, the court must consider whether Debtor's conduct is "egregious" and has little reservation about making such a finding. Judge Lastreto previously applied the Leavitt factors to a case where the debtor had filed six bankruptcies within the preceding eight years, all of which had been dismissed for failure to file documents, make payments, or perform other obligations under the Bankruptcy Code and found the debtor's conduct egregious in part because of "[t]he sheer numerosity of filings." Davis v. Brest-Taylor, 572 B.R. 750, 756 (Bankr. E.D. Cal. 2017).

Here, Debtor has filed three bankruptcies within one year that were subject to dismissal after filing for various reasons such as failure to file documents, failure to make plan payments or failure to complete credit counseling within 180 days prior to the petition filing date. The current case was filed with the same issues that caused dismissal of Debtor's most recently filed case, as Debtor did not timely receive credit counseling prior to filing this case. The court finds it is likely that the issues that have caused the dismissal of Debtor's prior bankruptcy cases will continue in any subsequent filings. The court finds "the sheer numerosity of filings" to be indicative of egregious conduct.

Based on the foregoing analysis, the Leavitt factors clearly militate towards a finding of bad faith under § 349 on the part of Debtor that is sufficient to justify the requested two-year bar against refiling. Accordingly, it is hereby ordered that:

1. This motion is GRANTED.
2. This chapter 13 case is DISMISSED FOR CAUSE AND WITH PREJUDICE.
3. Debtor Mari Rub-Ferrell is hereby barred from filing a bankruptcy petition without prior leave of the court for a period of two (2) years from the date this order is entered on the docket.
4. To obtain prior leave of court while this order is in effect, Debtor Mari Rub-Ferrell must attach to a future bankruptcy petition a declaration under oath stating her specific reasons for filing the petition and a copy of this order. The future bankruptcy petition, declaration, and a copy of this order shall be presented to the Chief Judge of the United States Bankruptcy Court for the Eastern District of California. The future bankruptcy petition shall be filed only if permitted by the Chief Bankruptcy Judge.
5. Any bankruptcy case filed by Debtor in violation of this order shall be deemed null and void and dismissed without notice to Debtor.
6. If Debtor violates this order by filing a future bankruptcy petition within the two (2) years following the entry of this order without prior permission from the Chief Bankruptcy Judge in the manner set forth in paragraph 4 of this order, the court will issue an order to show cause why further sanctions, including compensatory and coercive monetary sanctions, should not be awarded against Debtor.

26. [26-10587](#)-A-13 **IN RE: SERGIO/MARIA URTIZ**
[LGT-1](#)

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

LILIAN TSANG/MV
SCOTT LYONS/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on April 15, 2026.
Doc. #20.

27. [25-21289](#)-A-13 **IN RE: MELINDA WARD**
[BLG-3](#)

CONTINUED MOTION BY CHAD M. JOHNSON TO WITHDRAW AS ATTORNEY
1-29-2026 [[98](#)]

MELINDA WARD/MV
CHAD JOHNSON/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

The movant filed a status report on March 25, 2026 requesting the court dismiss
movant's motion to withdraw as counsel for the debtor. (BLG-3). Doc. ##127-128.
Accordingly, the motion will be denied at the request of the movant.

28. [25-25890](#)-A-13 **IN RE: DONALD CLEVELAND**
[SW-3](#)

MOTION TO AVOID LIEN OF WELLS FARGO BANK, NA
3-10-2026 [[65](#)]

DONALD CLEVELAND/MV
JAMES SHEPHERD/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As an informative matter, the movant did not mark anything in Section 5 of the court's mandatory Certificate of Service form. The movant should have checked the appropriate box under Section 5 as to who is being served.

Donald Aaron Cleveland ("Debtor"), the debtor in this chapter 13 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Wells Fargo Bank, N.A. ("Creditor") on the residential real property commonly referred to as 254 Souza Way, Vallejo, California 94589 (the "Property"). Doc. #65; Am. Schedule C, Doc. #60; Schedule D, Doc. #14.

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

Debtor filed the bankruptcy petition on October 24, 2025. Doc. #1. A judgment was entered against Debtor in the amount of \$11,587.48 in favor of Creditor on January 6, 2020. Ex. B, Doc. #68. The abstract of judgment was recorded pre-petition in Solano County on November 18, 2021, as document number 202100120444. Id. The lien attached to Debtor's interest in the Property located in Solano County. Doc. #65. The court previously avoided \$0.48 of the \$11,587.48 lien, which makes the lien now in the amount of \$11,587.00. Order, Doc. #56. The Property also is encumbered by a tax lien in favor of the Internal Revenue Service in the amount of \$16,008.00, a first mortgage in favor of Creditor in the amount of \$350,000.00, and a second mortgage in favor of Creditor in the amount of \$55,446.00. Schedule D, Doc. #14. After Debtor's first motion to avoid Creditor's lien was filed, Debtor claimed an amended Schedule C in which Debtor increased his exemption in the Property from \$119,859.00 to \$722,502.00 under California Code of Civil Procedure § 704.730. Schedule C, Doc. #14; Am. Schedule C, Doc. #60. Debtor asserts a market value for the Property as of the petition date at \$552,900.00. Am. Schedule A/B, Doc. #60.

Applying the statutory formula:

//

//

Amount of Creditor's judicial lien		\$11,587.00
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$421,454.00
Amount of Debtor's claim of exemption in the Property	+	\$722,502.00
		\$1,155,543.00
Value of Debtor's interest in the Property absent liens	-	\$552,900.00
Amount Creditor's lien impairs Debtor's exemption		\$602,643.00

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

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

29. [25-25890](#)-A-13 **IN RE: DONALD CLEVELAND**
[SW-4](#)

MOTION TO CONFIRM PLAN
3-13-2026 [72]

DONALD CLEVELAND/MV
JAMES SHEPHERD/ATTY. FOR DBT.
CONT'D TO 4/23/26 WITHOUT ORDER

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for failure to comply with this court's local rules.

The certificate of service included a custom service list. Doc. ##76, 78. However, more than six people were served, so a custom list is not permitted under Local Rule of Practice ("LBR") 7005-1(a). Instead, not more than 7 days prior to the date notice was served, the moving party needed to use the court's website to generate a Clerk's Matrix of Creditors, a Matrix of Registered Users of the Electronic Filing System and a list of persons who have filed Requests for Special Notice to serve the motion and supporting papers and attach those lists to the certificate of service. Instructions on how to generate the required lists can be found on the court's website using the following link: [GeneratingMailingListsandLabelsQuickReference.pdf \(uscourts.gov\)](#).

As a further procedural matter, the movant filed an amended notice of hearing on March 13, 2026 to continue the hearing on the motion to confirm the plan from April 16, 2026 at 9:30 a.m. to April 23, 2026 at 9:30 a.m. Doc. #77. However, LBR 9014-1(j) requires court approval for the continuance of a hearing. The movant did not seek court approval for continuing the hearing on this motion.

The court encourages counsel to review the local rules to ensure compliance in future matters or those matters also may be denied without prejudice for

failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

30. [25-26692](#)-A-13 **IN RE: FRANCISCO RUIZ AND IRMA FUENTES**
[KLG-1](#)

MOTION TO CONFIRM PLAN
3-9-2026 [[34](#)]

IRMA FUENTES/MV
ARETE KOSTOPOULOS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with this court's local rules. The notice of hearing (Doc. #35) does not comply with Local Rule of Practice 9004-1(c), which requires that all pleadings be signed by the individual attorney for the party representing them. Here, the notice of hearing is not signed and so is ineffective. Because a signed notice of hearing was not filed and served, this motion is denied without prejudice.

The court encourages counsel to review the local rules to ensure compliance in future matters or those matters also may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

31. [24-22594](#)-A-13 **IN RE: PATRICK SETT**
[SLH-2](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH
LORIN FLEMING DISTRIBUTING CO, INC.
3-9-2026 [[47](#)]

PATRICK SETT/MV
SETH HANSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The trustee timely filed written non-opposition on April 2, 2026. Doc. #55. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further,

because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice to include the names and addresses of persons who must be served with any opposition.

Patrick Ervin Sett ("Debtor"), the chapter 13 debtor, moves the court for an order pursuant to Federal Rule of Bankruptcy Procedure 9019 approving the compromise of all claims and disputes between Debtor and his employer, Lorin Fleming Distributing Co., Inc. ("Employer"), arising out of a settlement offered from a worker's compensation case, claim no. 07050642, between Debtor and Employer (the "Claim"). Doc. #47.

On August 20, 2025, Debtor suffered personal injury damages from being involved in a motor vehicle collision while on a sales and delivery call for Employer. Doc. #47; Decl. of Patrick Ervin Sett, Doc. #50. In February 2026, Employer, in conjunction with State Compensation Insurance Fund, evaluated and negotiated Debtor's worker's compensation claim and offered Debtor \$63,107.00 in exchange for the execution of a release of all claims ("Settlement"). Debtor believes the Settlement is fair and equitable. Id.

On a motion by a chapter 13 debtor and after notice and a hearing, the court may approve a compromise or settlement. Fed. R. Bankr. P. 9019. Approval of a compromise must be based upon considerations of fairness and equity. Martin v. Kane (In re A & C Props.), 784 F.2d 1377, 1381 (9th Cir. 1986). The court must consider and balance four factors: (1) the probability of success in the litigation; (2) the difficulties, if any, to be encountered in the matter of collection; (3) the complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and (4) the paramount interest of the creditors with a proper deference to their reasonable views. Woodson v. Fireman's Fund Ins. Co. (In re Woodson), 839 F.2d 610, 620 (9th Cir. 1988).

It appears from the moving papers that Debtor has considered the standards of A & C Properties and Woodson. Doc. #47. While the Claim is meritorious, there is still risk and it would be impossible to determine whether it would succeed. Id. Debtor believes the Settlement is the best result that can be achieved under the facts of the Claim. Sett Decl., Doc. #50. The Settlement proceeds are in the amount of \$63,107.00 and will be apportioned as follows: (1) payment of \$61,922.85 to Debtor; and (2) payment of \$1,184.15 to the bankruptcy estate. Id. Debtor has fully exempted the Claim pursuant to California Code of Civil Procedure § 703.140(b). Am. Schedule C, Doc. #45. Finally, Debtor believes accepting the Settlement is in the best interest of the estate and its creditors. Doc. #47. The Settlement is fair, reasonable, and obtains an economically advantageous result. The court concludes that the A & C Properties factors balance in favor of approving the compromise, and the compromise is in the best interest of the creditors and the estate.

Accordingly, it appears that the compromise pursuant to Federal Rule of Bankruptcy Procedure 9019 is reasonable. The court may give weight to the opinions of the trustee, the parties, and their attorneys. In re Blair,

538 F.2d 849, 851 (9th Cir. 1976). No opposition has been filed. Furthermore, the law favors compromise and not litigation for its own sake. Id.

Accordingly, the motion is GRANTED, and the Settlement between Debtor and Employer is approved. Debtor is authorized, but not required, to execute any and all documents necessary to satisfy the terms of the proposed Settlement.

32. [26-11624](#)-A-13 **IN RE: BRENT PALMER**
[SLL-1](#)

MOTION TO IMPOSE AUTOMATIC STAY
4-10-2026 [[10](#)]

BRENT PALMER/MV
STEPHEN LABIAK/ATTY. FOR DBT.
OST 4/10/26

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

On April 10, 2026, the court granted the debtor's ex parte Motion for Order Shortening Time to hear the debtor's motion to impose the automatic stay. Doc. #15. This motion was set for hearing on April 16, 2026 at 9:30 a.m. pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

By the motion, debtor Brent Austin Palmer ("Debtor") seeks an order imposing the automatic stay under 11 U.S.C. § 362(c)(4)(B) as to all creditors in this case. Doc. #10.

Debtor filed this bankruptcy case on April 10, 2026 ("Instant Bankruptcy Case"). Doc. #1. Debtor resides at the real property located at 896 Blue Oak Lane West, Madera, California 93636 ("Property"). Doc. #1, 3. Debtor filed the Instant Bankruptcy Case to protect the Property from imminent foreclosure. Doc. #10.

Prior to filing this bankruptcy case, Debtor had filed two separate cases within the last year that were dismissed: (1) Case No. 25-14164 filed on December 16, 2025 and dismissed on March 16, 2026 ("First Bankruptcy Case"); and (2) Case No. 26-10633 filed on February 17, 2026 and dismissed on March 18, 2026 ("Second Bankruptcy Case") (collectively, "Prior Cases"). Decl. of Brent Palmer, Doc. #12. Debtor represented himself in both of the Prior Cases, and both of the Prior Cases were dismissed due to Debtor failing to timely file documents. Doc. #10. Debtor is represented by counsel in the Instant Bankruptcy Case. Palmer Decl., Doc. #12.

The motion seeks relief pursuant to 11 U.S.C. § 362(c)(4)(B), requesting the court impose the automatic stay in this bankruptcy case. Congress provides in 11 U.S.C. § 362(c)(4) that no automatic stay goes into effect when the debtor

has had two bankruptcy cases pending that were dismissed within one year of the filing of a subsequent case. However, a debtor may request that the court impose the automatic stay within 30 days after the filing of the third bankruptcy case only if the debtor demonstrates that the filing of the third bankruptcy case is in good faith as to the creditors to be stayed. 11 U.S.C. § 362(c)(4).

In determining if good faith exists, the court considers the totality of the circumstances. In re Elliot-Cook, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., In re Jackola, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (citing Elliot-Cook, 357 B.R. at 815-16). Courts consider many factors – including those used to determine good faith under §§ 1307(c) and 1325(a) – but the two basic issues to determine good faith under § 362(c)(3) are: (i) why the previous case failed; and (ii) what has changed so that the present case is likely to succeed. Elliot-Cook, 357 B.R. at 814-15.

Debtor filed the two Prior Cases that were pending and dismissed in the year prior to the April 10, 2026 filing of the Instant Bankruptcy Case. Therefore, 11 U.S.C. § 362(c)(4) prevented the stay pursuant to 11 U.S.C. § 362 from going into effect automatically in the Instant Bankruptcy Case. Relief pursuant to 11 U.S.C. § 362(c)(4)(B) must be requested within thirty (30) days from the filing of the case in which the relief is sought. Here, the Instant Bankruptcy Case was filed on April 10, 2026. Doc. #1. The motion to impose the stay also was filed on April 10, 2026, so it is timely.

Turning to the determination of whether the Instant Bankruptcy Case was filed in good faith as to the creditors to be stayed, Debtor asserts he filed bankruptcy in order to save the Property from foreclosure. Doc. #10; Palmer Decl., Doc. #12. Debtor states circumstances have changed since the dismissals of the Prior Cases because Debtor now has an attorney. Id. Debtor states that Debtor attempted to retain an attorney after he initially filed the Prior Cases, but most of the attorneys Debtor met with did not want to take on a bankruptcy case that had already been filed. Id. Because Debtor has an attorney in the Instant Bankruptcy Case, Debtor is prepared to listen and follow the advice of his attorney and do whatever it takes to make his monthly plan payments. Id. Further, Debtor believes his current job as an independent solar sales contractor will provide sufficient income to allow Debtor to make his plan payments. Id.

The court finds that Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the Prior Cases for the court to impose the automatic stay as to all creditors who have notice of this motion to allow Debtor to proceed with confirmation of a chapter 13 plan.

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED. Upon entry of an order granting the motion, the automatic stay will be imposed for all purposes and as to all parties who have notice of this motion, unless terminated by operation of law or further order of this court.

1. [25-13811](#)-A-7 **IN RE: LAURA LEDIAEV**
[25-1048](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
11-13-2025 [[1](#)]

LEDIAEV V. UNITED STATES DEPARTMENT OF EDUCATION
RESPONSIVE PLEADING, STIPULATED JUDGMENT

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

DISPOSITION: Dropped from calendar

NO ORDER REQUIRED.

A judgment in favor of the plaintiff was entered on March 13, 2026. Doc. #21. Accordingly, this status conference was dropped from calendar. This adversary may be administratively closed when appropriate.

2. [24-11422](#)-A-12 **IN RE: IGNACIO/CASAMIRA SANCHEZ**
[26-1002](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
2-3-2026 [[1](#)]

SANCHEZ ET AL V. ARRIOLA FARM LABOR, INC.
PETER SAUER/ATTY. FOR PL.

NO RULING.

3. [24-12027](#)-A-7 **IN RE: JESUS DOMINE GARCIA AND INDALECIA MALDONADO**
[26-1006](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
2-10-2026 [[1](#)]

EDMONDS V. MALDONADO ET AL
PETER SAUER/ATTY. FOR PL.

NO RULING.

4. [23-10740](#)-A-7 **IN RE: EID AWIMER**
[25-1034](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
7-23-2025 [[1](#)]

AWIMER V. SPOUS POWER ENERGY

NO RULING.

5. [23-10740](#)-A-7 **IN RE: EID AWIMER**
[25-1034](#) [CAE-1](#)

ORDER TO SHOW CAUSE
3-12-2026 [[23](#)]

AWIMER V. SPOUS POWER ENERGY

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: This adversary proceeding will be dismissed for the failure of the plaintiff to properly prosecute this adversary proceeding.

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

This matter was set for hearing pursuant to a court-issued order to show cause as to why this adversary proceeding should not be dismissed for lack of prosecution for the plaintiff's failure to: (i) appear at the status conference held on March 12, 2026; and (ii) timely serve the complaint (Doc. #1), re-issued summons (Doc. #13), notice of availability of bankruptcy dispute resolution program (Doc. #4), and order to confer on initial disclosures and setting deadlines (Doc. #5). Doc. #23. This matter will proceed as scheduled.

The order to show cause required any written response to be filed and served on or before April 9, 2026. Doc. #23. No timely written response was filed and served. Because the plaintiff failed to: (i) appear at the status conference held on March 12, 2026; and (ii) timely serve the complaint (Doc. #1), re-issued summons (Doc. #13), notice of availability of bankruptcy dispute resolution program (Doc. #4), and order to confer on initial disclosures and setting deadlines (Doc. #5), this adversary proceeding will be dismissed for lack of prosecution.

6. [25-13565](#)-A-7 **IN RE: LEONARDO HERNANDEZ**
[26-1004](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
2-9-2026 [[1](#)]

HERNANDEZ V. AIDVANTAGE
RESPONSIVE PLEADING

NO RULING.

7. 23-23376-A-7 **IN RE: JOSEPH/RACHEL DIAZ**
25-2112 KMT-9

MOTION TO COMPEL AND/OR MOTION FOR EXAMINATION AND FOR PRODUCTION OF
DOCUMENTS
3-31-2026 [27]

FARRIS V. DIAZ ET AL
GABRIEL HERRERA/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings
and conclusions. The Moving Party shall submit a proposed
order after the hearing.

This motion was filed and served on at least 14 days' notice prior to the
hearing date pursuant to the court's scheduling order. Order, Doc. #24. The
defendants timely filed written non-opposition. Id.

Nikki B. Farris ("Plaintiff"), chapter 7 trustee for the bankruptcy estate of
Joseph Robert Diaz and Rachel Dolores Diaz (together, "Defendants"), moves for
an order compelling Defendants to attend a deposition and produce relevant
pursuant to Federal Rule of Civil Procedure ("Rule") 37, made applicable to
this adversary proceeding by Federal Rule of Bankruptcy Procedure 7037.
Doc. #27.

Plaintiff commenced this adversary proceeding by filing its complaint on
August 28, 2025 (the "Complaint"). Adv. Proc. No. 25-02112, Doc. #1. The
Complaint seeks a revocation of Defendants' discharge received in their
bankruptcy case. Id. On November 12, 2025, Defendants filed their answers to
the Complaint in pro se. Doc. ##14-15. On December 3, 2025, Defendants retained
Peter G. Macaluso as their attorney of record in this adversary proceeding.
Doc. #17. On March 6, 2026, Plaintiff served a notice of taking in-person
deposition and request for production of documents on each of Defendants.
Exs. A & B, Doc. #29.

Defendants' depositions were both set to occur on March 27, 2026. Without an
objection made prior to the date set for the depositions, Defendants failed to
appear on the date of their depositions scheduled for March 27, 2026 and failed
to produce any of the documents requested. Decl. of Nikki B. Farris, Doc. #30.
Defendants' counsel appeared at the deposition but advised Plaintiff that he
was unable to reach Defendants. Farris Decl., Doc. #30. On April 7, 2026,
Defendants filed non-opposition to the court granting the instant motion.
Doc. #32.

"On notice to other parties and all affected persons, a party may move for an
order compelling disclosure or discovery." Rule 37(a)(1). "A party seeking
discovery may move for an order compelling an answer, designation, production
or inspection [if] a party fails to produce documents[.]" Rule 37(a)(3)(iv).

Here, Plaintiff asserts Defendants were properly noticed for their scheduled
depositions and were properly served with the requests for production of
documents. Farris Decl., Doc. #30. Plaintiff believes that Plaintiff, as the
chapter 7 trustee, is entitled to depose Defendants, receive requested
documents, and examine Defendants related to her claim for revocation of

Defendants' discharge. Plaintiff further states that Defendants cannot refuse to participate in litigation after simply filing their answers.

Based on the foregoing, Plaintiff's motion is GRANTED. By no later than the fourteenth (14th) day after the entry of the order granting this motion, Defendants shall produce documents responsive to Plaintiff's Requests for Production of Documents and Plaintiff is to reschedule the depositions at which Defendants are required to attend.

8. [24-22678](#)-A-7 **IN RE: ALAN/MEGAN KENNEDY**
[24-2191](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
9-30-2024 [[1](#)]

PRO-TECH PRODUCTS, INC. V. KENNEDY ET AL
ANERIO ALTMAN/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

9. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[25-1020](#) [SN-1](#)

MOTION FOR LEAVE TO AMEND COMPLAINT
3-13-2026 [[21](#)]

NICOLE V. LOS BANOS TRANSPORT & TOWING
SYLVIA NICOLE/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the answering defendant 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). Therefore, the defaults of the above-mentioned parties in interest are entered. Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has not done here.

As a procedural matter, the motion and exhibits to not comply with LBR 7015-1, which requires the party seeking to amend a pleading before trial to include as exhibits to the motion: "(1) a copy of the proposed amendment, amended or supplemental pleading, which must be serially numbered to differentiate it from previous pleadings or amendments; and (2) either a redline copy, which compares the proposed pleading to the most recent applicable pleading, or a table that specifies the location by citation to the page and paragraph and receives

verbatim each addition or deletion." LBR 7015-1. Here, the plaintiff should have filed and served this motion with attached exhibits that included redline copy or a table specifying the changes made in the proposed amended complaint.

Sylvia Nicole ("Plaintiff") moves for an order granting leave to file an amended complaint pursuant to Federal Rule of Civil Procedure ("Rule") 15, made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7015, and LBR 7015-1 to include the correct incident date and include witness names that were not previously specified. Doc. #21. While the motion specifically requests to amend the complaint to correct incident the date and include witness names that were not previously specified, Plaintiff also includes a new claim for relief for fraud against Defendant ("Fraud Claim") in the proposed amended complaint filed and served after the motion was filed. Exs., Doc. ##23, 26.

Plaintiff initiated this adversary proceeding by filing a complaint on July 12, 2023. Adv. Proc. 23-01029 Complaint, Doc. #1. Los Banos Transport and Towing ("Defendant") responded to the complaint on August 10, 2023. Adv. Proc. 23-01029, Doc. #7. On May 16, 2025, the court granted a motion to sever the third claim for relief against Defendant and opened a new adversary proceeding for Plaintiff and Defendant ("Complaint"). Adv. Proc. 23-01029, Doc. #172; Doc. #1. The Complaint has not been amended previously. Based on the scheduling order and amended scheduling order in this adversary proceeding, discovery closed on January 30, 2026, and a pre-trial conference is scheduled for May 21, 2026. Doc. ##3, 24.

Rule 15(a) permits a party to amend its pleading once as a matter of course within 21 days after serving it, 21 days after service of a responsive pleading, or 21 days after a motion under Rule 12(b), (e), or (f), whichever is earlier. Rule 15(a). In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. Rule 15(a)(2). The court should freely give leave when justice so requires. Id.

Courts should consider four factors in determining whether to grant leave to amend a complaint: bad faith, undue delay, prejudice to the opposing party, and futility of the amendments. Foman v. Davis, 371 U.S. 178, 182 (1962). Prejudice to the opposing party is the strongest factor. In the absence of prejudice, or a "strong showing" of the other factors, "[t]here is a presumption that leave to amend should be granted." Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003); Shaw v. Burke, No. 17-cv-2386, 2018 WL 2459720, at *3 (C.D. Cal. May 1, 2018).

- (1) Bad faith: Plaintiff asserts that the incident date in the Complaint is incorrect and witness's names were not specified, which is the reason Plaintiff wants to amend her Complaint. Doc. #21. However, pursuant to Rule 15(b), the court can conform the Complaint at trial if needed to address the incorrect incident date. Further, there is no evidence to explain why Plaintiff could not have moved to amend the Complaint any time prior to the instant motion to add the Fraud Claim. There are no new facts alleged in support of the Fraud Claim against Defendant that were not known to Plaintiff when Plaintiff filed her original complaint in July 2023. Based on the close of discovery and the impending pre-trial conference, it appears to the court that Plaintiff filed this motion to delay trial in this adversary proceeding. Because the facts that Plaintiff seeks to amend in the complaint can be addressed during or after the trial and because it appears that the request to add the Fraud Claim is not being made in good faith, this factor weighs in favor of denying leave to amend the Complaint.

- (2) Undue delay: The Complaint was originally filed on July 12, 2023. Plaintiff could have sought leave to amend the Complaint during the past almost 3 years or when this new adversary case was opened on May 16, 2025. The Fraud Claim does not appear to be newly discovered information and there is no evidence to support why Plaintiff could not have sought leave to amend the Complaint prior to the instant motion. Allowing the Fraud Claim to be added to the Complaint right after discovery has closed and right before the scheduled pre-trial conference would cause an undue delay in the case. Regarding the request to correct the incident date and add witness names, even if this information was newly discovered, the information is not so important that an amended complaint is needed. Moreover, discovery in this adversary proceeding closed on January 30, 2026, and a pre-trial conference is set for May 21, 2026. Doc. #3, 24. Because the additional information Plaintiff seeks to include in the proposed amended complaint does not warrant an amended complaint at this late date and because adding the Fraud Claim to the Complaint will only further delay trial procedures, this factor weighs in favor of denying leave to amend the Complaint.
- (3) Prejudice to opposing party: Plaintiff does not assert that no prejudice will arise to Defendant if leave to amend the complaint is granted in this matter. Decl. of Sylvia Nicole, Doc. #21. The court does not believe it is necessary for Plaintiff to file an amended complaint to correct the incident date and name witnesses because Plaintiff will be able to supplement the record at the pretrial proceedings. Regarding the Fraud Claim, it would be prejudicial to Defendant to allow the Fraud Claim to be added to the Complaint because discovery deadlines have already passed, which will result in the parties not having time to depose each other and will result in a delay in resolving this adversary proceeding. Therefore, allowing leave to amend the complaint will only further delay this adversary proceeding, which prejudices Defendant. This factor weighs in favor of denying leave to amend the Complaint.
- (4) Futility of the amendment: Plaintiff asserts the amendment is necessary to include the correct incident date and witness names that were not previously specified. Plaintiff has provided a copy of the proposed amended complaint that includes the correct incident date and includes witness names that were not previously specified. Ex., Doc. #23. The proposed amended complaint also includes the Fraud Claim, which Plaintiff did not specify was being added in her motion. Doc. #21. However, the proposed amendment to include the correct incident date and witness names that were not previously specified is unnecessary as the proposed amendments can be clarified in the pretrial procedures or, if necessary during or after trial. Plaintiff does not address why adding the Fraud Claim is necessary to the adversary proceeding nor does the court see how the Fraud Claim is necessary at this stage in the case. This factor weighs in favor of denying leave to amend the Complaint.

On balance, all the factors weigh in favor of denying Plaintiff's motion for leave to amend the Complaint.

Accordingly, the motion is DENIED.

10. [25-22792](#)-A-7 **IN RE: HARMAN GREWAL**
[25-2120](#) [RCW-1](#)

MOTION FOR ORDER FINDING PRECLUSIVE EFFECT OF PLAINTIFFS STATE COURT
JUDGMENTS FINDINGS OF FACT AND LAW
3-7-2026 [[19](#)]

KAUR V. GREWAL
RYAN WOOD/ATTY. FOR MV.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on April 2, 2026. Doc. #30.

11:30 AM

1. [26-11617](#)-A-11 **IN RE: AMIREPAIR I INC.**
[LNH-1](#)

MOTION TO USE CASH COLLATERAL
4-14-2026 [9]

AMIREPAIR I INC./MV
LISA HOLDER/ATTY. FOR DBT.

NO RULING.