



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, April 20, 2023
Department A – Courtroom #11
Fresno, California**

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

1. [22-11406](#)-A-13 **IN RE: MARIA LIMON**
[JNV-1](#)

MOTION TO MODIFY PLAN
3-6-2023 [\[27\]](#)

MARIA LIMON/MV
JASON VOGELPOHL/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 7004 Service and attached a Clerk's Matrix of Creditors as Attachment 6A1 instead of a list of persons served, including their name/capacity to receive service, and address. Doc. #35. However, service of the motion was actually, and appropriately, effectuated by Rule 5 and Rules 7005, 9036 Service. In Section 6, the declarant should have checked the appropriate box under Section 6B and attached the Clerk's Matrix of Creditors as Attachment 6B2. Further, the declarant incorrectly completed Section 7 of the court's mandatory Certificate of Service form. The declarant should have only marked that service was accomplished by Rule 5 Service: § 6B2(a): U.S. Mail.

2. [23-10220](#)-A-13 **IN RE: ARISTEO MELENDREZ AND ESTHER LEYVA**
[MHM-1](#)

MOTION TO DISMISS CASE
3-23-2023 [\[24\]](#)

MICHAEL MEYER/MV
VINCENT QUIGG/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 as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtors 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. § 1307(c)(1) for unreasonable delay by the debtors that is prejudicial to creditors. Doc. #24. Specifically, Trustee asks the court to dismiss this case for the debtors' failure to: (a) appear at the scheduled § 341 meeting of creditors; (b) provide Trustee with required documents, including documents required pursuant to LBR 3015-1(b)(6) and 11 U.S.C. § 521(a)(1)(B)(iv) and (e)(2); and (c) provide Trustee with documents requested by Trustee, including proof of family contributions, proof of car insurance listed on line 15c of Schedule J, and CarMax auto loan documents. Doc. #24. The debtors did not oppose.

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 debtors that is prejudicial to creditors because the debtors failed to appear at the scheduled 341 meeting of creditors and failed to provide Trustee with all required and requested documentation.

Because the debtors have failed to appear at the meeting of creditors, dismissal rather than conversion is appropriate.

Accordingly, the motion will be GRANTED, and the case dismissed.

3. [18-12548](#)-A-13 **IN RE: RAFAEL/MARTHA GUTIERREZ**
[PK-3](#)

MOTION FOR COMPENSATION FOR PATRICK KAVANAGH, DEBTORS ATTORNEY(S)
3-24-2023 [\[54\]](#)

PATRICK KAVANAGH/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 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.

Patrick Kavanagh ("Movant"), counsel for Rafael Gutierrez and Martha Gutierrez (together, "Debtors"), the debtors in this chapter 13 case, requests allowance of final compensation in the amount of \$4,980.00 for services rendered from March 3, 2018 through May 1, 2023. Ex. B, Doc. #54. Debtors' confirmed plan provides, in addition to \$1,500.00 paid prior to filing the case, for \$5,500.00 in attorney's fees. Plan, Doc. #6, 39. Movant waives any request for reimbursement of expenses. Doc. #54. No prior fee application has been filed. Debtors' consent to the amount requested in Movant's application. Doc. #54.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) claim administration and objections; (2) original and modified plan, hearings, and objections; and (3) preparation for discharge and case closing. Doc. #54. The court finds that the compensation sought is reasonable for actual, necessary services, and the court will approve the motion on a final basis.

This motion is GRANTED. The court allows on a final basis the compensation requested by this motion in the amount of \$4,980.00 to be paid in a manner consistent with the terms of the confirmed plan.

4. [22-12152](#)-A-13 **IN RE: KENNETH MYERS**
[BN-1](#)

MOTION FOR RELIEF FROM CO-DEBTOR STAY
3-20-2023 [\[29\]](#)

F&M BANK OF CENTRAL CALIFORNIA/MV
DAVID JOHNSTON/ATTY. FOR DBT.
JARRETT OSBORNE-REVIS/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied as moot.

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

The court is inclined to grant the chapter 13 trustee's Motion to Dismiss in part, calendar matter #6 [MHM-2] below, and this bankruptcy case will be converted to chapter 7. Should that be the case, this motion for relief from the co-debtor stay will be DENIED AS MOOT.

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-21-2023 [\[37\]](#)

F&M BANK OF CENTRAL CALIFORNIA/MV
DAVID JOHNSTON/ATTY. FOR DBT.
JARRETT OSBORNE-REVIS/ATTY. FOR MV.

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 as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of 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 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 incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #42. However, Federal Rules of Bankruptcy Procedure 4001(a)(1) and 9014 require service of a motion for relief from stay to be made pursuant to Federal Rule of Bankruptcy Procedure 7004, which was done. In Section 6, the declarant should have only checked the appropriate box under Section 6A, not Section 6B.

F&M Bank of Central California ("Movant") moves the court for an order confirming the termination of the automatic stay as to debtor Kenneth J. Myers ("Debtor") and property of Debtor that is not property of the bankruptcy estate ("Debtor's Property") pursuant to 11 U.S.C. § 362(c)(3). Motion, Doc. #37; Memo, Doc. #41. The motion does not seek to terminate the automatic stay as to property of the estate. Id. Because the motion only seeks to confirm termination of the automatic stay as to Debtor and Debtor's Property, and not as to property of the estate, the court will grant the motion notwithstanding this case being converted to chapter 7 pursuant to calendar matter #6 [MHM-2] below.

Debtor had a chapter 13 case pending within the one-year period preceding the filing of his bankruptcy case that was dismissed, Case No. 22-11569 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on September 9, 2022 and dismissed on November 10, 2022. Decl. of Jarrett S. Osborne-Revis, Doc. #39; Ex. B, Doc. #40. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was

dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on December 20, 2022. Petition, Doc. #1. As a result of the court's order continuing the hearing, the automatic stay terminated in the present case on January 19, 2023.

A motion to confirm termination or absence of the automatic stay may be filed to verify the debtor does not have the protection of the automatic stay pursuant to 11 U.S.C. § 362(c)(3) and (4). Section 362(j) of the Bankruptcy Code allows the court to issue an order under subsection (c) confirming that the automatic stay has been terminated on request of a party in interest. 11 U.S.C. § 362(j).

The courts finds that Debtor had a bankruptcy case, the Prior Case, that was pending within the one-year period preceding the filing of this case and was dismissed. The court also finds that (i) Debtor never filed a motion to extend the automatic stay in this bankruptcy case, (ii) Debtor does not have the protection of the automatic stay pursuant to 11 U.S.C. § 362(c)(3) and (4), and (iii) the automatic stay terminated in the present case on January 19, 2023.

Based on the foregoing, the court will enter an order under § 362(j) confirming termination of the stay as to Debtor and Debtor's Property only. The court is not ruling with respect to any termination of the automatic stay with respect to property of the estate because that relief was not requested in the motion.

6. [22-12152](#)-A-13 **IN RE: KENNETH MYERS**
[MHM-2](#)

MOTION TO DISMISS CASE
3-23-2023 [\[43\]](#)

MICHAEL MEYER/MV
DAVID JOHNSTON/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part; the case will be converted.

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

This motion was set for hearing on at least 28 days' notice as required by 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). Therefore, the default of the debtor is entered.

The chapter 13 trustee ("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. #43. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to cooperate with Trustee as required in 11 U.S.C. §521(a)(3) and (a)(4) by failing to file amended Schedules A/B, C, I and J as requested by Trustee at the 341 meeting of the creditors held on March 21, 2023 as well as failing to confirm a chapter 13 plan. Doc. #43. The debtor did not oppose.

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 has failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c) to dismiss this case as the debtor has failed to confirm a chapter 13 plan.

A review of the debtor's Schedules C shows that the debtor has opted to use 704 exemptions. As of right now, there is a liquidation amount of \$30,041.70, after trustee compensation. Decl. of Kelsey A. Seib, Doc. #45. This liquidation amount is comprised of the value of the debtor's 2017 Ford F150, a shotgun, and the debtor's household goods and furnishings. Id. Trustee's objection to the debtor's claim of exemptions in household goods was sustained by the court on February 21, 2023. Doc. #24. Should the debtor choose to amend Schedule C exemptions, it appears that there would remain non-exempt equity that may be available for the benefit of unsecured creditors. Seib Decl., Doc. #45. Because there appears to be non-exempt equity in the debtor's assets to be realized for the benefit of the estate, conversion, rather than dismissal, is in the best interests of creditors and the estate.

Accordingly, the motion will be GRANTED IN PART, and the case will be converted.

7. [23-10362](#)-A-13 **IN RE: JOSE HERRERA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-4-2023 [\[16\]](#)

ERIC ESCAMILLA/ATTY. FOR DBT.
\$313.00 FILING FEE PAID 4/7/23

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 filing fees now due have been paid. Therefore, the order to show cause will be vacated.

MOTION TO EXTEND AUTOMATIC STAY
3-31-2023 [\[10\]](#)

HERNAN CORTEZ/MV
SCOTT LYONS/ATTY. FOR DBT.

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.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. 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.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. Doc. #13. In Section 6, the declarant checked the box in Section 6A indicating that service was made pursuant to Rule 7004 Service and attached a list of persons served, including their name/capacity to receive service, and address. However, the declarant also labeled a Clerk's Matrix of Creditors as Attachment 6A1. Service of the motion on all creditors and other parties in interest was actually, and appropriately, effectuated by Rule 5 and Rules 7005, 9036 Service. In Section 6, the declarant should have checked the appropriate box under Section 6B and attached the Clerk's Matrix of Creditors as Attachment 6B2 instead of 6A1. Further, the declarant incorrectly completed Section 7 of the court's mandatory Certificate of Service form. The declarant also should have marked that service was accomplished by Rule 5 Service: § 6B2(a): U.S. Mail.

Debtor Hernan Ernie Cortez ("Debtor") moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B).

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 22-11952 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on November 16, 2022 and dismissed on March 3, 2023. Decl. of Hernan Ernie Cortez, Doc. #12. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on March 27, 2023. Petition, Doc. #1. As a result of the court's order continuing the hearing, the automatic stay will terminate in the present case on April 26, 2023.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the

later case is in good faith as to the creditors to be stayed[.]” 11 U.S.C. § 362(c) (3) (B) .

Section 362(c) (3) (C) (i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c) (3) (C) (i) .

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c) (3) (C) . Under the clear and convincing standard, the evidence presented by the movant must “place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are ‘highly probable.’” Factual contentions are highly probable if the evidence offered in support of them instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition.” Emmert v. Taggart (In re Taggart), 548 B.R. 275, 288 n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019)).

In this case, the presumption of bad faith arises. Debtor failed to pay filing fee installments timely according to the Order Approving Payment of Filing Fee in Installments filed in the Prior Case. Case No. 22-11952, Doc. #67. The Prior Case was dismissed by an order after Debtor failed to pay filing fee installments timely. See Case No. 22-11952, Doc. ##24, 35, 42, 67. Debtor states that he failed to pay the filing fee installments timely because Debtor was out of the country and dealing with the death of Debtor’s mother and Debtor’s nephew. Decl. of Hernan Ernie Cortez, Doc. #12.

In support of this motion to extend the automatic stay, Debtor declares that he did not pay his filing fee installment in the Prior Case timely because Debtor traveled to Mexico to take care of funeral arrangements for his mother who passed away on January 7, 2023. Cortez Decl., Doc. #12. Then ten days later, Debtor’s nephew also passed away. Id. Debtor states that because of the cost and emotional toll of these events, Debtor forgot to make the payments due for Debtor’s filing fee installments. Id. Debtor’s filing fees in this case were pre-paid through his attorney’s office. Id.

Debtor further states he was unable to pay his plan payments in the Prior Case because Debtor was out of the country and unable to work. Cortez Decl., Doc. #12. Debtor states that he has the income ability to maintain plan payments in this case and is confident that a chapter 13 plan will be confirmed. Id. Debtor states that business for his limousine service has picked up and Debtor is able to serve more customers in the Southern San Joaquin Valley area. Id. Debtor’s girlfriend works as a pharmacist at Family Health Network and is contributing \$800.00 per month to Debtor’s current plan. Id. Further, Debtor’s son works with the State of California as a landscaping maintenance supervisor and is contributing \$700.00 per month in Debtor’s current plan. Id. Debtor filed a proposed plan on April 4, 2023. Doc. #16. Debtor’s Schedules I and J filed in this case list monthly income of \$4,950.00 and expenses of \$2,667.00, resulting in monthly net income of \$2,283.00 of which Debtor proposes to apply \$2,250.00 to plan payments in this case. Schedules I and J, Doc. #15; Plan, Doc. #16.

The court is inclined to find that Debtor’s explanation as to why the Prior Case was dismissed, along with Debtor’s paying the filing fee in full in this case, rebut the presumption of bad faith that arose from the failure to pay

Debtor's filing fee installments timely in the Prior Case and that Debtor's petition commencing this case was filed in good faith. Further, there is reason to conclude that this case will result in a confirmed plan that will be fully performed.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes only as to those parties named in Debtor's motion (Doc. #10), unless terminated by further order of the court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is necessary.

11:00 AM

1. [22-11754](#)-A-7 **IN RE: ALYSSA THOMPSON**
[23-1001](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
2-24-2023 [[10](#)]

DAVIS V. THOMPSON
JUSTIN VECCHIARELLI/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

At the adversary proceeding status conference, the parties should be prepared to explain to the court why the parties have not filed the discovery plan as required by the Order to Confer on Initial Disclosures and Setting Deadlines filed in this adversary proceeding on January 6, 2023 and the order continuing the prior status conference filed on March 20, 2023. Doc. ##5, 17.

2. [19-13871](#)-A-7 **IN RE: JENNA LONG**
[22-1009](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
12-1-2022 [[45](#)]

LONG V. U.S. DEPARTMENT OF EDUCATION ET AL
NANCY KLEPAC/ATTY. FOR PL.
RESPONSIVE PLEADING

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 February 9, 2023. Doc. #71. Accordingly, this status conference is dropped from calendar.