



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California
Hearing Date: Tuesday, April 22, 2025**

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties or their attorneys who wish to appear at a hearing remotely must sign up by **4:00 p.m. one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party/attorney who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

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

Please also note the following:

- Parties in interest and/or their attorneys may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#). If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

Post-Publication Changes: The court endeavors to publish its rulings as soon as possible. However, calendar preparation is ongoing, and these rulings may be revised or updated at any time prior to 4:00 p.m. the day before the scheduled hearings. Please check at that time for any possible updates.

9:30 AM

1. [20-10809](#)-B-11 **IN RE: STEPHEN SLOAN**
[WF-29](#)

MOTION APPROVAL OF LISTING AGREEMENT (MERCED FALLS RANCH)
3-13-2025 [[825](#)]

TERRENCE LONG/MV
PETER FEAR/ATTY. FOR DBT.
DANIEL EGAN/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.

Terence J. Long ("Plan Administrator" or "Long"), the duly appointed Plan Administrator under Debtor Steven William Sloan's ("Debtor") Fourth Amended Plan of Reorganization dated August 31, 2021, confirmed February 2, 2022 ("the Plan"), seeks an order pursuant to §§ 327 and 328 of the Bankruptcy Code approving a listing agreement with Pearson Realty ("Pearson") retaining Person to market the property identified in the moving papers as Merced Falls Ranch ("the Ranch"). Doc. #825 *et seq.* The motion is accompanied by a Declaration from Stanley Kjar ("Kjar"), a broker with Pearson, and by an Exhibit consisting of the "Vacant Land Listing Agreement for 964 acres Merced Falls Ranch in Los Banos, Merced County, CA" ("the Listing Agreement"). Docs. ##827-28.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest timely filed written opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED.

Debtor filed chapter 11 bankruptcy on March 2, 2020. Doc. #1. The current plan was confirmed on February 2, 2022, with Long appointed as Plan Administrator. Doc. #483. Pursuant to Section 4.01.3 of the Plan, Debtor was to liquidate the assets of Merced Falls Ranch, LLC ("the LLC"), an entity owned by Debtor. Doc. #483 at p. 14. Under Section 4.06.4 of the Plan, if Debtor defaulted under the Plan, the Plan Administrator was authorized to take the actions required by the Debtor, including the liquidation of the assets of the LLC. Doc. #483 at p. 22. On February 27, 2025, the court entered its *Stipulated order on Motion for Order Instructing Plan Administrator to Sell Debtor's Interest in Merced Falls Ranch LLC*. Doc. #822. The order directed Long to retain a broker to sell the Ranch, and this motion seeks authority to retain Pearson to perform that function. *Id.*

The Listing Agreement contains the following relevant terms:

1. Plan Administrator retains Pearson to market and negotiate a sale of the Ranch.
2. Pearson will receive a 5.0% commission, which may be shared with a cooperating licensed real estate broker representing the buyer, if any. However, if Stephen Sloan or any buyer affiliated with Stephen Sloan purchases the Ranch, the commission will be 2.5%.
3. The listing price is \$7,230,000.00, and the term of the listing ends December 31, 2025.

Doc. #828.

In his Declaration, Kjar discloses the following:

1. To the best of Kjar's knowledge, neither Kjar nor Pearson have any connections with the Debtor, his creditors, or with any parties in interest, or with their attorneys or accountants, or with the office of the United States Trustee or any person employed thereby which would preclude Pearson's employment, nor do Kjar/Pearson hold or represent any interest materially adverse to the interests of the estate or of any class of creditors or equity security holders.
2. Notwithstanding the foregoing, Kjar discloses the following non-disqualifying connections:
 - a. Terence J. Long provided consulting services to Kjar in the past.
 - b. Peter L. Fear (Debtor's Counsel) utilized Pearson as a realtor on behalf of a former client in an unrelated bankruptcy proceeding.
 - c. Riley C. Walter (who represents a creditor) performed legal work for a business previously owned by Kjar's family.
 - d. Kjar/Pearson are currently listing and marketing for sale other properties belonging to the estate pursuant to prior

orders of the court and has previously assisted the Plan Administrator with selling other estate properties, for which Kjar and Pearson received commissions authorized by the court.

Doc. #827.

11 U.S.C. § 1107 gives a chapter 11 debtor in possession all rights and powers of a trustee, other than the right to compensation under § 330, and requires the debtor in possession to perform all the functions and duties of a trustee, except those specified in § 1106(a)(2), (3), and (4). In this case, those rights and powers transferred from the Debtor to the Plan Administrator as the Estate Representative in accordance with the default provisions of the confirmed Plan.

Under 11 U.S.C. § 327(a), a professional person, such as a real estate professional, can be employed by the estate with the court's approval to represent or assist the trustee in carrying out its duties provided that the proposed professional does not hold or represent an interest adverse to the estate and is a "disinterested person." In a chapter 11 case, a person is not disqualified for employment solely because of such person's employment by or representation of a creditor, unless there is an objection from the creditor or the UST. § 327(c).

11 U.S.C. § 328(a) permits employment of "a professional person under section 327" on "any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, on a fixed or percentage fee basis, or on a contingent fee basis." Section 328(a) further "permits a professional to have the terms and conditions of its employment pre-approved by the bankruptcy court, such that the bankruptcy court may alter the agreed-upon compensation only 'if such terms and conditions and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of such terms and conditions.'" *In re Circle K Corp.*, 279 F.3d 669, 671 (9th Cir. 2002).

Here, Kjar's Declaration indicates that neither he nor Pearson hold or represent an interest adverse to the estate and is a "disinterested person."

No party in interest has opposed this motion which is hereby GRANTED. The Plan Administrator is authorized to employ Stanley Kjar and Pearson Realty as broker pursuant to §§ 327(a) and 328 on the terms and conditions set forth in the listing agreement attached to the Application as Exhibit A.

2. [24-11015](#)-B-7 **IN RE: PINNACLE FOODS OF CALIFORNIA LLC**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V
VOLUNTARY PETITION
4-22-2024 [\[1\]](#)

MICHAEL BERGER/ATTY. FOR DBT.
CONVERTED TO CH. 7 - 3/27/25

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

DISPOSITION: Concluded and dropped from calendar.

No order is required.

On March 27, 2025, this case was converted from one under Chapter 11 Subchapter V to one under Chapter 7. Doc. #516. Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

3. [24-11016](#)-B-7 **IN RE: TYCO GROUP LLC**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V
VOLUNTARY PETITION
4-22-2024 [\[1\]](#)

MICHAEL BERGER/ATTY. FOR DBT.
CONVERTED TO CH. 7 - 3/27/25

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

DISPOSITION: Concluded and dropped from calendar.

No order is required.

On March 27, 2025, this case was converted from one under Chapter 11 Subchapter V to one under Chapter 7. Doc. #362. Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

4. [24-11017](#)-B-7 **IN RE: CALIFORNIA QSR MANAGEMENT, INC.**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V
VOLUNTARY PETITION
4-22-2024 [\[1\]](#)

MICHAEL BERGER/ATTY. FOR DBT.
CONVERTED TO CHAPTER 7 - 3/27/25

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

DISPOSITION: Concluded and dropped from calendar.

No order is required.

On March 27, 2025, this case was converted from one under Chapter 11 Subchapter V to one under Chapter 7. Doc. #330. Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

5. [25-10619](#)-B-11 **IN RE: BLACK ROCK MINING, LLC**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
2-28-2025 [\[1\]](#)

STEPHEN WADE/ATTY. FOR DBT.

NO RULING.

6. [25-10654](#)-B-11 **IN RE: BIG VALLEY COLD STORAGE LLC.**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
3-3-2025 [\[1\]](#)

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

DISPOSITION: Concluded and dropped from calendar.

No order is required.

On April 8, 2025, the court entered an order dismissing the above-styled adversary proceeding. Doc. #22 Accordingly, this Status Conference will be CONCLUDED and DROPPED from the calendar as moot.

7. [23-10457](#)-B-11 **IN RE: MADERA COMMUNITY HOSPITAL**
[HRR-2](#)

CONTINUED MOTION TO ASSUME LEASE OR EXECUTORY CONTRACT
AND/OR MOTION TO PAY, MOTION FOR RELATED RELIEF
5-2-2024 [[1740](#)]

AMERICAN ADVANCED MANAGEMENT, INC./MV
RILEY WALTER/ATTY. FOR DBT.
HAMID RAFATJOO/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed As scheduled.

DISPOSITION: Granted in part. Continued to a date to be
determined as to unresolved matters.

ORDER: The Movants will prepare the order.

This matter comes before the court on the Omnibus Motion to Assume Executory Contracts filed by American Advance Management ("AAM") Doc. #1740. Madera Community Hospital ("MCH"), the debtor in this Chapter 11 proceeding filed several motions to reject executory contracts which have been "tracking" this omnibus motion.

On December 3, 2024, AAM and MCH jointly filed a *Fifth Status Report* advising the court as to the status of the various executory contracts and payments of cures still before the court. Doc. #2138. On April 14, 2025, the court entered an order approving the *Stipulation Resolving Cure Due to Medical Information Technology, Inc.* Docs. #2140, #2142.

The remaining matters under consideration are as follows:

1. **Cardinal Health 110, LLC; Cardinal Health 200 LLC; and Cardinal Health 414 LLC (collectively "Cardinal Health"):** This assumption and cure matter remains unresolved. The motion will be CONTINUED until a date to be determined as to this contract.
2. **CareFusion Solutions, LLC:** This assumption and cure matter remains unresolved. The motion will be CONTINUED until a date to be determined as to this contract.

8. [23-10457](#)-B-11 **IN RE: MADERA COMMUNITY HOSPITAL**
[WJH-42](#)

CONTINUED MOTION TO REJECT LEASE OR EXECUTORY CONTRACT
5-2-2023 [[334](#)]

MADERA COMMUNITY HOSPITAL/MV
RILEY WALTER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed As scheduled.

DISPOSITION: Granted in part. Continued to a date to be
determined as to unresolved matters.

ORDER: The Movants will prepare the order.

This matter comes before the court on the Omnibus Motion to Assume Executory Contracts filed by American Advance Management ("AAM") Doc. #1740. Madera Community Hospital ("MCH"), the debtor in this Chapter 11 proceeding filed several motions to reject executory contracts which have been "tracking" this omnibus motion.

On December 3, 2024, AAM and MCH jointly filed a *Fifth Status Report* advising the court as to the status of the various executory contracts and payments of cures still before the court. Doc. #2138. On April 14, 2025, the court entered an order approving the *Stipulation Resolving Cure Due to Medical Information Technology, Inc.* Docs. #2140, #2142.

The remaining matters under consideration are as follows:

1. **Cardinal Health 110, LLC; Cardinal Health 200 LLC; and Cardinal Health 414 LLC (collectively "Cardinal Health"):** This assumption and cure matter remains unresolved. The motion will be CONTINUED until a date to be determined as to this contract.
2. **CareFusion Solutions, LLC:** This assumption and cure matter remains unresolved. The motion will be CONTINUED until a date to be determined as to this contract.

9. [25-10088](#)-B-11 **IN RE: AMY CORPUS**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V
VOLUNTARY PETITION
1-14-2025 [[1](#)]

PETER FEAR/ATTY. FOR DBT.

NO RULING.

11:00 AM

1. [24-13036](#)-B-7 **IN RE: CHRISTOPHER/VANESSA OCHOA**

REAFFIRMATION AGREEMENT WITH AMERICAN HONDA FINANCE
CORPORATION
3-25-2025 [[31](#)]

MARCUS TORIGIAN/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

Debtor's counsel shall notify the debtor that no appearance is necessary.

On March 25, 2025, a Reaffirmation Agreement between Christopher and Vanessa Ochoa ("Debtors") and American Honda Finance Corporation for a 2022 Honda Accord was filed with the court. Doc. #28. That Reaffirmation Agreement was denied. Docs. ##32-33. Debtors filed a second Reaffirmation Agreement which was entered as Doc. #31. This Reaffirmation Agreement is substantially identical to the first Reaffirmation Agreement except Debtors' attorney's signature page. Both signature pages have the signed date of December 5, 2024, but the signature page for the second Reaffirmation Agreement had the box checked where the attorney attests the Debtors are able to make the required payments even though undue hardship has been established. The signature pages are noticeably different.

The first Reaffirmation Agreement having been denied without a hearing; the court DENIES the second as moot.

1:30 PM

1. [25-10712](#)-B-7 **IN RE: FERNANDO/AMANDA BANDA**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
3-26-2025 [[14](#)]

ROSALINA NUNEZ/ATTY. FOR DBT.

NO RULING.

2. [25-10714](#)-B-7 **IN RE: VANESSA VELOZ**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
3-26-2025 [[14](#)]

ROSALINA NUNEZ/ATTY. FOR DBT.

NO RULING.

3. [24-11015](#)-B-7 **IN RE: PINNACLE FOODS OF CALIFORNIA LLC**
[DL-1](#)

FINAL HEARING RE: MOTION FOR AUTHORIZATION TO OPERATE THE
BUSINESS OF THE DEBTOR FOR A LIMITED PERIOD
4-3-2025 [[536](#)]

WALTER DAHL/MV
MICHAEL BERGER/ATTY. FOR DBT.
WALTER DAHL/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. Order preparation
determined at the hearing.

Walter R. Dahl, Chapter 7 Trustee ("Trustee") comes before the court seeking a final hearing on his *Emergency Ex Parte Motion for Authorization to Operate the Business of the Debtor for a Limited Period*. Doc. #536. On April 3, 2025, the court entered an order

granting Trustee authorization to operate the business(es) on an interim basis pending this final hearing. Doc. #538.

The Trustee has brought identical motions in three closely related cases:

1. *In Re: Pinnacle Foods of California LLC* ("Pinnacle"), 24-11015 ("the Pinnacle Case"), Doc. #536;
2. *In Re: Tyco Group LLC* ("Tyco"), 24-11016 ("the Tyco Case"), Doc. #379; and
3. *In Re: California QSR Management, Inc.* ("QSR"), 24-11017 ("the QSR Case"), Doc. #349.

(collectively "the Popeyes Cases" and "the Popeyes Debtors"). The court will not rehash the tortuous history of the Popeyes cases since their inception, but a full accounting of that history may be found in the court's *Memorandum Opinion* dated October 10, 2024 ("the Assumption Memorandum") and its *Memorandum Opinion* dated April 4, 2025 ("the Fee Application Memorandum"). See *Pinnacle Docs. #275 and #543*.

As a threshold matter, the court notes that Trustee has committed a procedural error which, in the normal course of events, would result in the denial of the motion without prejudice, to wit:

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the initials of the attorney for the moving party (e.g., first, middle, and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

Here, Trustee filed a Motion/Application for Compensation on February 14, 2025, which the court granted on March 31, 2025. Docs. #441, #523. The DCN for that motion was DL-1. The DCN for this motion is also DL-1, and therefore it does not comply with the local rules. Each separate matter filed with the court must have a different DCN. Nevertheless, because of the significant time sensitivity of this matter, the court will overlook the procedural error and address the motions substantively.

Briefly stated, the three Popeyes Debtors are owned by the same principal, one Imran Damani ("Damani"). *Id.* At the inception of the cases, Pinnacle and Tyco were franchisees of Popeyes Louisiana Kitchen Inc. ("PLK"), a fast-food chain, while QSR was a separate corporation created by Damani to manage Pinnacle and Tyco. *Id.* Pinnacle operated six Popeyes restaurants, five in Fresno and one in Turlock, California, while Tyco operated one restaurant in San Diego. *Id.* After

protractive legal maneuvers over whether any of the Popeyes Debtors could present a feasible plan under Chapter 11 Subchapter V in light of PLK's refusal to consent to assumption of the franchise agreements between PLK, Pinnacle, and Tyco, the court ordered that all three cases be converted to Chapter 7 on March 27, 2025. Pinnacle Doc. #514; Tyco Doc. #362; QSR Doc. #330.

Subsequently, the Trustee filed substantially identical applications in all three Popeyes Cases seeking an order pursuant to Bankruptcy Code Section 721 authorizing (but not requiring) him to continue the remaining business operations of Debtor through August 31, 2025. Pinnacle Doc. #536; Tyco Doc. #379; QSR Doc. #349. The motion avers that the Tyco San Diego store and one of the six Fresno stores were closed prior to conversion. *Id.* Five restaurants remain open in Fresno, and the Trustee expresses optimism that a "turn-key" sale of at least four of those can be achieved. *Id.*

Each motion is accompanied by an identical Declaration by Trustee outlining the status of the case and asserting his opinion that continuing the operation of the three businesses for a limited period of time, rather than shutting them down immediately, is in the best interests of the three estates and consistent with the orderly liquidation of the estates. Pinnacle Doc. #537; Tyco Doc. #380; QSR Doc. #348.

This motion was filed and served 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.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

11 U.S.C.S. § 721 states:

The court may authorize the trustee to operate the business of the debtor for a limited period, if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate.

Section 721 thus has three requirements for consideration:

A chapter 7 trustee ... may only operate a business (1) with the court's approval, (2) "for a limited period," and (3) "if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate."

In re Boteilho Haw. Enters., No. 22-00827, 2023 Bankr. LEXIS 2736, at *22 (Bankr. D. Haw. Nov. 8, 2023). Here, the Trustee

only seeks authorization to operate the businesses for a limited period of time, specifically through August 31, 2025. Pinnacle Doc. #536; Tyco Doc. #379; QSR Doc. #349. While the Trustee sought emergency interim relief, which the court granted, the motion also requested a final hearing on the motion to be held on April 22, 2025, which was, in the court's view, the earliest date practicable to provide the Popeyes Debtors and any other parties in interest a meaningful opportunity to respond. *Id.* Finally, the court agrees that a continued operation of the three businesses by the Trustee during the wind-down period is more likely to benefit the estate and the creditors and to provide for an orderly liquidation than an immediate shut down of the active businesses. *Id.*

For the foregoing reasons, in the absence of any persuasive opposition at the hearing, the court is inclined to GRANT all three motions and authorize Trustee to operate Pinnacle, Tyco, and QSR through August 31, 2025.

4. [24-11015](#)-B-7 **IN RE: PINNACLE FOODS OF CALIFORNIA LLC**
[DL-3](#)

MOTION FOR JOINT ADMINISTRATION
4-4-2025 [[541](#)]

WALTER DAHL/MV
MICHAEL BERGER/ATTY. FOR DBT.
WALTER DAHL/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. Order preparation determined at the hearing.

Walter R. Dahl, Chapter 7 Trustee ("Trustee") comes before the court on a *Motion for Joint Administration of Related Chapter 7 Cases* pursuant to Fed. R. Bankr. P. 1015(b) and Local Bankruptcy Rule ("LBR") 1015-1. Doc. #541.

The Trustee has brought identical motions in three closely related cases:

1. *In Re: Pinnacle Foods of California LLC* ("Pinnacle"), 24-11015 ("the Pinnacle Case"), Doc. #541;
2. *In Re: Tyco Group LLC* ("Tyco"), 24-11016 ("the Tyco Case"), Doc. #384; and
3. *In Re: California QSR Management, Inc.* ("QSR"), 24-11017 ("the QSR Case"), Doc. #352.

(collectively "the Popeyes Cases" and "the Popeyes Debtors"). The court will not rehash the tortuous history of the Popeyes cases since their inceptions, but a full accounting of that history may be found in the court's *Memorandum Opinion* dated October 10, 2024 ("the Assumption Memorandum") and its *Memorandum Opinion* dated April 4, 2025 ("the Fee Application Memorandum"). See *Pinnacle Docs. #275 and #543*.

Briefly stated, the three Popeyes Debtors are owned by the same principal, one Imran Damani ("Damani"). *Id.* All three Popeyes Debtors filed for relief under Chapter 11 Subchapter V on the same day, and each was represented by the same counsel. *Id.* On March 27, 2025, all three cases were converted to Chapter 7. *Pinnacle Doc. #514; Tyco Doc. #362; QSR Doc. #330.*

Previously, just a few weeks after the case was filed, the Popeyes Debtors moved (in substantially similar motions) for substantive consolidation of the Popeyes Cases, acknowledging that all three debtors share common ownership, management, control, administration, and resources, and are all operated a single enterprise. *Pinnacle Doc. #82; Tyco Doc. #67; QSR Doc. #79.* The court denied the motions for substantive consolidation, and the Popeyes Debtors did not thereafter pursue joint administration. *Pinnacle Doc. #153; Tyco Docs. ##119-120; QSR Doc. #139.* Instead, the three Popeyes cases continued individually but with substantially identical motions, applications, and other documents filed in each case, significantly increasing the workload of the court, the Subchapter V Trustee, and the non-debtors most closely involved in the case (mainly PLK and Flagstar Financial & Leasing LLC ("Flagstar")). See *Pinnacle, Tyco, and QSR dockets generally.*

The Trustee asks that the Clerk of the Court establish (as of the date of conversion of the cases to Chapter 7) one file and one docket for all three Popeyes Cases which hereafter shall be the file and docket for Pinnacle, with the caption of that case modified as follows:

In re:		Case No. 24-11015-B-7
Pinnacle Foods of California, LLC,		
<i>and</i>		
Tyco Group, LLC, and California QSR Management, Inc.		
<i>Jointly Administered</i>		

Pinnacle Doc. #541. Trustee also requests that a notation substantially similar to the following notation be entered on the docket of the three Popeyes Cases to reflect the joint administration of these Chapter 7 Cases:

An Order has been entered in accordance with Fed. R. Bankr. Procedure 1015(b) of the Federal Rules of Bankruptcy Procedure directing joint administration of the Chapter 7 Cases of: Pinnacle Foods of California, LLC [Case No.: 24-11015-B-7]; Tyco Group, LLC [Case No.: 11016-B-7]; and, California QSR Management, Inc. [Case No. 24-11017-B-7]. All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 24-11015-B-7.

Id.

This motion was filed and served 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.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

Fed. R. Bankr. P. 1015(b) states in relevant part:

(b) *Cases Involving Two or More Related Debtors.* If a joint petition or two or more petitions are pending in the same court by or against ... (4) a debtor and an affiliate, the court may order a joint administration of the estates. Prior to entering an order, the court shall give consideration to protecting creditors of different estates against potential conflicts of interest.

LBR 1015-1 states

(b) *Cases Deemed Related.* Cases deemed to be related within the meaning of this Rule include the following fact situations:

...

5) The debtors in both cases have the same partners or substantially the same shareholders; and

6) The cases are otherwise so related as to warrant being treated as related.

LBR 1015-1(b)(5)-(6). Here, Damani is the sole shareholder of all three Popeyes Debtors, and the Debtors have already conceded in their motions for substantive consolidation and elsewhere that the three business were operated as a single enterprise.

Throughout the proceedings, the three Popeyes Debtors have been represented by the same counsel who regularly submitted identical filings in all three cases.

The court agrees with the Trustee that joint administration of the cases going forward will ease the administrative burden on the court and all parties in interest as the cases proceed through Chapter 7. Joint administration will permit the Clerk's Office to utilize a single docket and combine notices to creditors and other parties in interest in the three Debtors' respective cases. Joint administration is purely procedural and will not prejudice or adversely affect the substantive rights of any parties, but it will significantly reduce the volume of pleadings as the cases proceed towards their final resolutions.

For the foregoing reasons, and in the absence of any persuasive opposition at the hearing, the court is inclined to GRANT all three motions and direct that the Chapter 7 cases of Pinnacle, Tyco and QSR be jointly consolidated.

It is further ordered that henceforth the Pinnacle docket shall be the docket and file for all three Popeyes cases and the caption to the Pinnacle docket shall be modified as follows:

In re:		Case No. 24-11015-B-7
Pinnacle Foods of California, LLC,		
<i>and</i>		
Tyco Group, LLC, and California QSR Management, Inc.		
<i>Jointly Administered</i>		

It is further ordered that the following notation or one substantially similar shall be entered on the docket of each Debtors' cases to reflect the joint administration of all three cases.

"An Order has been entered in accordance with Fed. R. Bankr. Procedure 1015(b) of the Federal Rules of Bankruptcy Procedure directing joint administration of the Chapter 7 Cases of: Pinnacle Foods of California, LLC [Case No.: 24-11015-B-7]; Tyco Group, LLC [Case No.: 11016-B-7]; and, California QSR Management, Inc. [Case No. 24-11017-B-7]. All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 24-11015-B-7."

5. [24-11015](#)-B-7 **IN RE: PINNACLE FOODS OF CALIFORNIA LLC**
[MJB-17](#)

MOTION BY MICHAEL JAY BERGER TO WITHDRAW AS ATTORNEY
4-1-2025 [\[528\]](#)

MICHAEL BERGER/ATTY. FOR DBT.

NO RULING.

6. [24-11016](#)-B-7 **IN RE: TYCO GROUP LLC**
[DL-1](#)

FINAL HEARING RE: MOTION FOR AUTHORIZATION TO OPERATE THE
BUSINESS OF THE DEBTOR FOR A LIMITED PERIOD
4-3-2025 [\[379\]](#)

WALTER DAHL/MV
MICHAEL BERGER/ATTY. FOR DBT.
WALTER DAHL/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. Order preparation
determined at the hearing.

Walter R. Dahl, Chapter 7 Trustee ("Trustee") comes before the court seeking a final hearing on his *Emergency Ex Parte Motion for Authorization to Operate the Business of the Debtor for a Limited Period*. Doc. #379. On April 3, 2025, the court entered an order granting Trustee authorization to operate the business(es) on an interim basis pending this final hearing. Doc. #381.

The Trustee has brought identical motions in three closely related cases:

1. *In Re: Pinnacle Foods of California LLC* ("Pinnacle"), 24-11015 ("the Pinnacle Case"), Doc. #536;
2. *In Re: Tyco Group LLC* ("Tyco"), 24-11016 ("the Tyco Case"), Doc. #379; and
3. *In Re: California QSR Management, Inc.* ("QSR"), 24-11017 ("the QSR Case"), Doc. #349.

(collectively "the Popeyes Cases" and "the Popeyes Debtors"). The court will not rehash the tortuous history of the Popeyes cases since their inceptions, but a full accounting of that history may be found in the court's *Memorandum Opinion* dated October 10, 2024 ("the

Assumption Memorandum") and its *Memorandum Opinion* dated April 4, 2025 ("the Fee Application Memorandum"). See *Pinnacle Docs. #275 and #543*.

As a threshold matter, the court notes that Trustee has committed a procedural error which, in the normal course of events, would result in the denial of the motion without prejudice:

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the initials of the attorney for the moving party (e.g., first, middle, and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

Here, Trustee filed a Motion/Application for Compensation on February 14, 2025, which the court granted on March 31, 2025. Docs. #320, #369. The DCN for that motion was DL-1. The DCN for this motion is also DL-1, and therefore it does not comply with the local rules. Each separate matter filed with the court must have a different DCN. Nevertheless, because of the significant time sensitivity of this matter, the court will overlook the procedural error and address the motions substantively.

Briefly stated, the three Popeyes Debtors are owned by the same principal, one Imran Damani ("Damani"). *Id.* At the inception of the cases, Pinnacle and Tyco were franchisees of Popeyes Louisiana Kitchen Inc. ("PLK"), a fast-food chain, while QSR was a separate corporation created by Damani to manage Pinnacle and Tyco. *Id.* Pinnacle operated six Popeyes restaurants, five in Fresno and one in Turlock, California, while Tyco operated one restaurant in San Diego. *Id.* After protractive legal maneuvers over whether any of the Popeyes Debtors could present a feasible plan under Chapter 11 Subchapter V in light of PLK's refusal to consent to assumption of the franchise agreements between PLK, Pinnacle, and Tyco, the court ordered that all three cases be converted to Chapter 7 on March 27, 2025. Pinnacle Doc. #514; Tyco Doc. #362; QSR Doc. #330.

Subsequently, the Trustee filed substantially identical applications in all three Popeyes Cases seeking an order pursuant to Bankruptcy Code Section 721 authorizing (but not requiring) him to continue the remaining business operations of Debtor through August 31, 2025. Pinnacle Doc. #536; Tyco Doc. #379; QSR Doc. #349. The motion avers that the Tyco San Diego store and one of the six Fresno stores were closed prior to conversion. *Id.* Five restaurants remain open in Fresno, and the Trustee expresses optimism that a "turn-key" sale of at least four of those can be achieved. *Id.*

Each motion is accompanied by an identical Declaration by Trustee outlining the status of the case and asserting his opinion that continuing the operation of the three businesses for a limited period of time, rather than shutting them down immediately, is in the best interests of the three estates and consistent with the orderly liquidation of the estates. Pinnacle Doc. #537; Tyco Doc. #380; QSR Doc. #348.

This motion was filed and served 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.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

11 U.S.C.S. § 721 states:

The court may authorize the trustee to operate the business of the debtor for a limited period, if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate.

Section 721 thus has three requirements for consideration:

A chapter 7 trustee ... may only operate a business (1) with the court's approval, (2) "for a limited period," and (3) "if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate."

In re Boteilho Haw. Enters., No. 22-00827, 2023 Bankr. LEXIS 2736, at *22 (Bankr. D. Haw. Nov. 8, 2023). Here, the Trustee only seeks authorization to operate the businesses for a limited period of time, specifically through August 31, 2025. Pinnacle Doc. #536; Tyco Doc. #379; QSR Doc. #349. While the Trustee sought emergency interim relief, which the court granted, the motion also requested a final hearing on the motion to be held on April 22, 2025, which was, in the court's view, the earliest date practicable to provide the Popeyes Debtors and any other parties in interest a meaningful opportunity to respond. *Id.* Finally, the court agrees that a continued operation of the three businesses by the Trustee during the wind-down period is more likely to benefit the estate and the creditors and to provide for an orderly liquidation than an immediate shut down of the active businesses. *Id.*

For the foregoing reasons, in the absence of any persuasive opposition at the hearing, the court is inclined to GRANT all

three motions and authorize Trustee to operate Pinnacle, Tyco, and QSR through August 31, 2025.

7. [24-11016](#)-B-7 **IN RE: TYCO GROUP LLC**
[DL-3](#)

MOTION FOR JOINT ADMINISTRATION
4-4-2025 [\[384\]](#)

WALTER DAHL/MV
MICHAEL BERGER/ATTY. FOR DBT.
WALTER DAHL/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. Order preparation determined at the hearing.

Walter R. Dahl, Chapter 7 Trustee ("Trustee") comes before the court on a *Motion for Joint Administration of Related Chapter 7 Cases* pursuant to Fed. R. Bankr. P. 1015(b) and Local Bankruptcy Rule ("LBR") 1015-1. Doc. #384.

The Trustee has brought identical motions in three closely related cases:

1. *In Re: Pinnacle Foods of California LLC* ("Pinnacle"), 24-11015 ("the Pinnacle Case"), Doc. #541;
2. *In Re: Tyco Group LLC* ("Tyco"), 24-11016 ("the Tyco Case"), Doc. #384; and
3. *In Re: California QSR Management, Inc.* ("QSR"), 24-11017 ("the QSR Case"), Doc. #352.

(collectively "the Popeyes Cases" and "the Popeyes Debtors"). The court will not rehash the tortuous history of the Popeyes cases since their inception, but a full accounting of that history may be found in the court's *Memorandum Opinion* dated October 10, 2024 ("the Assumption Memorandum") and its *Memorandum Opinion* dated April 4, 2025 ("the Fee Application Memorandum"). See *Pinnacle Docs. #275 and #543*.

Briefly stated, the three Popeyes Debtors are owned by the same principal, one Imran Damani ("Damani"). *Id.* All three Popeyes Debtors filed for relief under Chapter 11 Subchapter V on the same day, and each was represented by the same counsel. *Id.* On March 27, 2025, all three cases were converted to Chapter 7. Pinnacle Doc. #514; Tyco Doc. #362; QSR Doc. #330.

Previously, just a few weeks after the case was filed, the Popeyes Debtors moved (in substantially similar motions) for substantive consolidation of the Popeyes Cases, acknowledging that all three debtors share common ownership, management, control, administration, and resources, and are all operated a single enterprise. Pinnacle Doc. #82; Tyco Doc. #67; QSR Doc. #79. The court denied the motions for substantive consolidation, and the Popeyes Debtors did not thereafter pursue joint administration. Pinnacle Doc. #153; Tyco Docs. ##119-120; QSR Doc. #139. Instead, the three Popeyes cases continued individually but with substantially identical motions, applications, and other documents filed in each case, significantly increasing the workload of the court, the Subchapter V Trustee, and non-debtors most closely involved in the case (mainly PLK and Flagstar Financial & Leasing LLC ("Flagstar")). *See Pinnacle, Tyco, and QSR dockets generally.*

The Trustee asks that the Clerk of the Court establish (as of the date of conversion of the cases to Chapter 7) ne file and one docket for all three Popeyes Cases which hereafter shall be the file and docket for Pinnacle, with the caption of these cases modified as follows:

In re:		Case No. 24-11015-B-7
Pinnacle Foods of California, LLC,		
<i>and</i>		
Tyco Group, LLC, and California QSR Management, Inc.		
<i>Jointly Administered</i>		

Pinnacle Doc. #541. Trustee also requests that a notation substantially similar to the following notation be entered on the docket of each Debtor's case to reflect the joint administration of these Chapter 7 Cases:

An Order has been entered in accordance with Fed. R. Bankr. Procedure 1015(b) of the Federal Rules of Bankruptcy Procedure directing joint administration of the Chapter 7 Cases of: Pinnacle Foods of California, LLC [Case No.: 24-11015-B-7]; Tyco Group, LLC [Case No.: 11016-B-7]; and, California QSR Management, Inc. [Case No. 24-11017-B-7]. All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 24-11015-B-7.

Id.

This motion was filed and served 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.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

Fed. R. Bankr. P. 1015(b) states in relevant part:

(b) *Cases Involving Two or More Related Debtors.* If a joint petition or two or more petitions are pending in the same court by or against ... (4) a debtor and an affiliate, the court may order a joint administration of the estates. Prior to entering an order, the court shall give consideration to protecting creditors of different estates against potential conflicts of interest.

LBR 1015-1 states

(b) *Cases Deemed Related.* Cases deemed to be related within the meaning of this Rule include the following fact situations:

...

5) The debtors in both cases have the same partners or substantially the same shareholders; and

6) The cases are otherwise so related as to warrant being treated as related.

LBR 1015-1(b)(5)-(6). Here, Damani is the sole shareholder of all three Popeyes Debtors, and the Debtors have already conceded in their motions for substantive consolidation and elsewhere that the three businesses were operated as a single enterprise. Throughout the proceedings, the three Popeyes Debtors have been represented by the same counsel who regularly submitted identical filings in all three cases.

The court agrees with the Trustee that joint administration of the cases going forward will ease the administrative burden on the court and all parties in interest as the cases proceed through Chapter 7. Joint administration will permit the Clerk's Office to utilize a single docket and combine notices to creditors and other parties in interest in the three Debtors' respective cases. Joint administration is purely procedural and will not prejudice or adversely affect the substantive rights of any parties, but it will significantly reduce the volume of pleadings as the cases proceed towards their final resolutions.

For the foregoing reasons, and in the absence of any persuasive opposition at the hearing, the court is inclined to GRANT all three motions and direct that the Chapter 7 cases of Pinnacle, Tyco and QSR be jointly consolidated.

It is further ordered that henceforth the Pinnacle docket shall be the docket and file for all three Popeyes cases and the caption to the Pinnacle docket shall be modified as follows:

In re: Pinnacle Foods of California, LLC, <i>and</i> Tyco Group, LLC, and California QSR Management, Inc. <i>Jointly Administered</i>	Case No. 24-11015-B-7
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It is further ordered that the following notation or one substantially similar shall be entered on the docket of each Debtors' cases to reflect the joint administration of all three cases.

"An Order has been entered in accordance with Fed. R. Bankr. Procedure 1015(b) of the Federal Rules of Bankruptcy Procedure directing joint administration of the Chapter 7 Cases of: Pinnacle Foods of California, LLC [Case No.: 24-11015-B-7]; Tyco Group, LLC [Case No.: 11016-B-7]; and, California QSR Management, Inc. [Case No. 24-11017-B-7]. All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 24-11015-B-7."

8. [24-11016](#)-B-7 **IN RE: TYCO GROUP LLC**
[MJB-14](#)

MOTION BY MICHAEL JAY BERGER TO WITHDRAW AS ATTORNEY
4-1-2025 [\[374\]](#)

MICHAEL BERGER/ATTY. FOR DBT.
CONVERTED TO CHAPTER 7 - 3/27/25

NO RULING.

9. [24-11017](#)-B-7 **IN RE: CALIFORNIA QSR MANAGEMENT, INC.**
[DL-1](#)

FINAL HEARING RE: MOTION FOR AUTHORIZATION TO OPERATE THE
BUSINESS OF THE DEBTOR FOR A LIMITED PERIOD
4-3-2025 [\[347\]](#)

WALTER DAHL/MV
MICHAEL BERGER/ATTY. FOR DBT.
WALTER DAHL/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. Order preparation
determined at the hearing.

Walter R. Dahl, Chapter 7 Trustee ("Trustee") comes before the court seeking a final hearing on his *Emergency Ex Parte Motion for Authorization to Operate the Business of the Debtor for a Limited Period*. Doc. #347. On April 3, 2025, the court entered an order granting Trustee authorization to operate the business(es) on an interim basis pending this final hearing. Doc. #349.

The Trustee has brought identical motions in three closely related cases:

1. *In Re: Pinnacle Foods of California LLC* ("Pinnacle"), 24-11015 ("the Pinnacle Case"), Doc. #536;
2. *In Re: Tyco Group LLC* ("Tyco"), 24-11016 ("the Tyco Case"), Doc. #379; and
3. *In Re: California QSR Management, Inc.* ("QSR"), 24-11017 ("the QSR Case"), Doc. #349.

(collectively "the Popeyes Cases" and "the Popeyes Debtors"). The court will not rehash the tortuous history of the Popeyes cases since their inception, but a full accounting of that history may be found in the court's *Memorandum Opinion* dated October 10, 2024 ("the Assumption Memorandum") and its *Memorandum Opinion* dated April 4, 2025 ("the Fee Application Memorandum"). See *Pinnacle Docs. #275 and #543*.

As a threshold matter, the court notes that Trustee has committed a procedural error which, in the normal course of events, would result in the denial of the motion without prejudice:

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the

initials of the attorney for the moving party (e.g., first, middle, and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

Here, Trustee filed a Motion/Application for Compensation on February 14, 2025, which the court granted on March 31, 2025. Docs. #288, #337. The DCN for that motion was DL-1. The DCN for this motion is also DL-1, and therefore it does not comply with the local rules. Each separate matter filed with the court must have a different DCN. Nevertheless, because of the significant time sensitivity of this matter, the court will overlook the procedural error and address the motions substantively.

Briefly stated, the three Popeyes Debtors are owned by the same principal, one Imran Damani ("Damani"). *Id.* At the inception of the cases, Pinnacle and Tyco were franchisees of Popeyes Louisiana Kitchen Inc. ("PLK"), a fast-food chain, while QSR was a separate corporation created by Damani to manage Pinnacle and Tyco. *Id.* Pinnacle operated six Popeyes restaurants, five in Fresno and one in Turlock, California, while Tyco operated one restaurant in San Diego. *Id.* After protractive legal maneuvers over whether any of the Popeyes Debtors could present a feasible plan under Chapter 11 Subchapter V in light of PLK's refusal to consent to assumption of the franchise agreements between PLK, Pinnacle, and Tyco, the court ordered that all three cases be converted to Chapter 7 on March 27, 2025. Pinnacle Doc. #514; Tyco Doc. #362; QSR Doc. #330.

Subsequently, the Trustee filed substantially identical applications in all three Popeyes Cases seeking an order pursuant to Bankruptcy Code Section 721 authorizing (but not requiring) him to continue the remaining business operations of Debtor through August 31, 2025. Pinnacle Doc. #536; Tyco Doc. #379; QSR Doc. #349. The motion avers that the Tyco San Diego store and one of the six Fresno stores were closed prior to conversion. *Id.* Five restaurants remain open in Fresno, and the Trustee expresses optimism that a "turn-key" sale of at least four of those can be achieved. *Id.*

Each motion is accompanied by an identical Declaration by Trustee outlining the status of the case and asserting his opinion that continuing the operation of the three businesses for a limited period of time, rather than shutting them down immediately, is in the best interests of the three estates and consistent with the orderly liquidation of the estates. Pinnacle Doc. #537; Tyco Doc. #380; QSR Doc. #348.

This motion was filed and served 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.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

11 U.S.C.S. § 721 states:

The court may authorize the trustee to operate the business of the debtor for a limited period, if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate.

Section 721 thus has three requirements for consideration:

A chapter 7 trustee ... may only operate a business (1) with the court's approval, (2) "for a limited period," and (3) "if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate."

In re Boteilho Haw. Enters., No. 22-00827, 2023 Bankr. LEXIS 2736, at *22 (Bankr. D. Haw. Nov. 8, 2023). Here, the Trustee only seeks authorization to operate the businesses for a limited period of time, specifically through August 31, 2025. Pinnacle Doc. #536; Tyco Doc. #379; QSR Doc. #349. While the Trustee sought emergency interim relief, which the court granted, the motion also requested a final hearing on the motion to be held on April 22, 2025, which was, in the court's view, the earliest date practicable to provide the Popeyes Debtors and any other parties in interest a meaningful opportunity to respond. *Id.* Finally, the court agrees that a continued operation of the three businesses by the Trustee during the wind-down period is more likely to benefit the estate and the creditors and to provide for an orderly liquidation than an immediate shut down of the active businesses. *Id.*

For the foregoing reasons, in the absence of any persuasive opposition at the hearing, the court is inclined to GRANT all three motions and authorize Trustee to operate Pinnacle, Tyco, and QSR through August 31, 2025.

10. [24-11017](#)-B-7 **IN RE: CALIFORNIA QSR MANAGEMENT, INC.**
[DL-3](#)

MOTION FOR JOINT ADMINISTRATION
4-4-2025 [\[352\]](#)

WALTER DAHL/MV
MICHAEL BERGER/ATTY. FOR DBT.
WALTER DAHL/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. Order preparation
determined at the hearing.

Walter R. Dahl, Chapter 7 Trustee ("Trustee") comes before the court seeking a final hearing on his *Emergency Ex Parte Motion for Authorization to Operate the Business of the Debtor for a Limited Period*. Doc. #347. On April 3, 2025, the court entered an order granting Trustee authorization to operate the business(es) on an interim basis pending this final hearing. Doc. #349.

The Trustee has brought identical motions in three closely related cases:

1. *In Re: Pinnacle Foods of California LLC* ("Pinnacle"), 24-11015 ("the Pinnacle Case"), Doc. #536;
2. *In Re: Tyco Group LLC* ("Tyco"), 24-11016 ("the Tyco Case"), Doc. #379; and
3. *In Re: California QSR Management, Inc.* ("QSR"), 24-11017 ("the QSR Case"), Doc. #349.

(collectively "the Popeyes Cases" and "the Popeyes Debtors"). The court will not rehash the tortuous history of the Popeyes cases since their inception, but a full accounting of that history may be found in the court's *Memorandum Opinion* dated October 10, 2024 ("the Assumption Memorandum") and its *Memorandum Opinion* dated April 4, 2025 ("the Fee Application Memorandum"). See *Pinnacle Docs. #275 and #543*.

As a threshold matter, the court notes that Trustee has committed a procedural error which, in the normal course of events, would result in the denial of the motion without prejudice:

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the initials of the attorney for the moving party (e.g., first, middle,

and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

Here, Trustee filed a Motion/Application for Compensation on February 14, 2025, which the court granted on March 31, 2025. Docs. #288, #337. The DCN for that motion was DL-1. The DCN for this motion is also DL-1, and therefore it does not comply with the local rules. Each separate matter filed with the court must have a different DCN. Nevertheless, because of the significant time sensitivity of this matter, the court will overlook the procedural error and address the motions substantively.

Briefly stated, the three Popeyes Debtors are owned by the same principal, one Imran Damani ("Damani"). *Id.* At the inception of the cases, Pinnacle and Tyco were franchisees of Popeyes Louisiana Kitchen Inc. ("PLK"), a fast-food chain, while QSR was a separate corporation created by Damani to manage Pinnacle and Tyco. *Id.* Pinnacle operated six Popeyes restaurants, five in Fresno and one in Turlock, California, while Tyco operated one restaurant in San Diego. *Id.* After protractive legal maneuvers over whether any of the Popeyes Debtors could present a feasible plan under Chapter 11 Subchapter V in light of PLK's refusal to consent to assumption of the franchise agreements between PLK, Pinnacle, and Tyco, the court ordered that all three cases be converted to Chapter 7 on March 27, 2025. Pinnacle Doc. #514; Tyco Doc. #362; QSR Doc. #330.

Subsequently, the Trustee filed substantially identical applications in all three Popeyes Cases seeking an order pursuant to Bankruptcy Code Section 721 authorizing (but not requiring) him to continue the remaining business operations of Debtor through August 31, 2025. Pinnacle Doc. #536; Tyco Doc. #379; QSR Doc. #349. The motion avers that the Tyco San Diego store and one of the six Fresno stores were closed prior to conversion. *Id.* Five restaurants remain open in Fresno, and the Trustee expresses optimism that a "turn-key" sale of at least four of those can be achieved. *Id.*

Each motion is accompanied by an identical Declaration by Trustee outlining the status of the case and asserting his opinion that continuing the operation of the three businesses for a limited period of time, rather than shutting them down immediately, is in the best interests of the three estates and consistent with the orderly liquidation of the estates. Pinnacle Doc. #537; Tyco Doc. #380; QSR Doc. #348.

This motion was filed and served 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.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

11 U.S.C.S. § 721 states:

The court may authorize the trustee to operate the business of the debtor for a limited period, if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate.

Section 721 thus has three requirements for consideration:

A chapter 7 trustee ... may only operate a business (1) with the court's approval, (2) "for a limited period," and (3) "if such operation is in the best interest of the estate and consistent with the orderly liquidation of the estate."

In re Boteilho Haw. Enters., No. 22-00827, 2023 Bankr. LEXIS 2736, at *22 (Bankr. D. Haw. Nov. 8, 2023). Here, the Trustee only seeks authorization to operate the businesses for a limited period of time, specifically through August 31, 2025. Pinnacle Doc. #536; Tyco Doc. #379; QSR Doc. #349. While the Trustee sought emergency interim relief, which the court granted, the motion also requested a final hearing on the motion to be held on April 22, 2025, which was, in the court's view, the earliest date practicable to provide the Popeyes Debtors and any other parties in interest a meaningful opportunity to respond. *Id.* Finally, the court agrees that a continued operation of the three businesses by the Trustee during the wind-down period is more likely to benefit the estate and the creditors and to provide for an orderly liquidation than an immediate shut down of the active businesses. *Id.*

For the foregoing reasons, in the absence of any persuasive opposition at the hearing, the court is inclined to GRANT all three motions and authorize Trustee to operate Pinnacle, Tyco, and QSR through August 31, 2025.

11. [24-11017](#)-B-7 **IN RE: CALIFORNIA QSR MANAGEMENT, INC.**
[MJB-13](#)

MOTION BY MICHAEL JAY BERGER TO WITHDRAW AS ATTORNEY
4-1-2025 [[342](#)]

MICHAEL BERGER/ATTY. FOR DBT.

NO RULING.

12. [25-10224](#)-B-7 **IN RE: SETH HAZDOVAC**
[KEH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-19-2025 [\[14\]](#)

BALBOA THRIFT & LOAN/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
KEITH HERRON/ATTY. FOR MV.

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

DISPOSITION: Continued to May 13, 2025, at 1:30 p.m.

ORDER: The court will issue an order.

The motion for relief from stay will be continued to May 13, 2025, at 1:30 p.m.

13. [24-11852](#)-B-7 **IN RE: ROBERT/SHARYN SMITH**
[FW-3](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL,
P.C. FOR GABRIEL J. WADDELL, TRUSTEES ATTORNEY(S)
3-18-2025 [\[50\]](#)

LEONARD WELSH/ATTY. FOR DBT.
GABRIEL WADDELL/ATTY. FOR MV.

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

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order that conforms with the opinion below.

Fear Waddell, P.C. ("Applicant") seeks approval of a first and final allowance of compensation under 11 U.S.C. § 330 of the Bankruptcy Code for professional services rendered and reimbursement for expenses incurred as attorney for Peter L. Fear, Trustee in the above-styled case ("Trustee"). Doc. #50 *et seq.*

Applicant was employed to perform services under § 327 of the Code pursuant to an order of this court dated September 27, 2024. Doc. #34. This is Applicant's first and final request for compensation, covering the period from **September 17, 2024, and March 14, 2025**. Doc. #59.

Applicant provided **14.20** billable hours for a total of **\$4,795.00** in fees at the following rates:

Professional	Rate	Hours	Fees
Gabriel J. Waddell (2024)	\$380.00	7.90	\$3,002.00
Gabriel J. Waddell (2025)	\$395.00	1.40	\$553.00
Katie Waddell (2024)	\$280.00	1.20	\$336.00
Katie Waddell (2025)	\$295.00	2.50	\$737.50
Laurel Guenther (2024)	\$135.00	0.90	\$121.50
Laurel Guenther (2025)	\$150.00	0.30	\$45.00
Total		14.20	\$4,795.00

Doc. #52. Applicant also incurred **\$287.25** in expenses for copies and postage. *Id.* These combined fees and expenses total **\$5,082.25**.

11 U.S.C. § 330(a)(1)(A) and (B) permit approval of “reasonable compensation for actual, necessary services rendered by . . . [a] professional person, or attorney” and “reimbursement for actual, necessary expenses.” In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3). Previous interim compensation awards under 11 U.S.C. § 331, if any, are subject to final review under § 330.

Applicant’s services here included, without limitation: case administration; asset disposition; fee/employment applications; and claims administration and objections. Doc. #52. The court finds the services and expenses reasonable, actual, and necessary. The Trustee has reviewed the Application and finds the requested fees and expenses to be reasonable. Doc. #54.

This motion was set for hearing on 28 days’ notice as required by Local Rule of Practice (“LBR”) 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant’s factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest has responded, and the defaults of all such parties are entered.

This Application is GRANTED. The court will approve on a final basis under 11 U.S.C. §330 compensation in the amount of **\$4,795.00** in fees and **\$287.25** in expenses. The court grants the Application for a total award **\$5,082.25** as an administrative expense of the estate and an order authorizing and directing the Trustee to pay such to Applicant from the first available estate funds.

14. [25-10652](#)-B-7 **IN RE: JAQUELINE GARCIA**
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-14-2025 [\[10\]](#)

TD BANK, N.A./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHERYL ITH/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.

TD Bank, N.A. ("Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2020 Subaru WRX (VIN: JF1VA2E63L9819702) ("Vehicle"). Doc. 10. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. 4001(a)(4). *Id.*

Jaqueline Garcia ("Debtor") did not file opposition and no other party in in interest timely filed written opposition. Debtor's Statement of Intention indicated that the Vehicle would be surrendered.

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

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case-by-case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor has failed to make at least four pre-petition payments. The Movant has produced evidence that Debtor is delinquent at least \$3,663.04. Docs. ##12-13.

The court also finds that the Debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because Debtor is in chapter 7. The Vehicle is valued at \$28,425.00 and Debtor owes \$42,397.05. Doc. #13.

Accordingly, the motion will be granted pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) to permit the Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded. According to the Debtor's Statement of Intention, the Vehicle will be surrendered.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because Debtor has failed to make at least four pre-petition payments to Movant, and the Vehicle is a depreciating asset.

15. [25-10752](#)-B-7 **IN RE: SHERRY KINGSBY-WALKER**
[TCS-1](#)

MOTION TO AVOID LIEN OF NEWPORT CAPITAL RECOVERY GROUP II, LLC
3-24-2025 [\[10\]](#)

SHERRY KINGSBY-WALKER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order that conforms with the opinion below.

Sherry Kingsby-Walker ("Debtor") moves for an order avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) in favor Newport Capital Recovery Group II, LLC ("Creditor") in the sum of \$13,337.26 and

encumbering residential real property located at 1915 W. Harvard Ave., Fresno, California 93705 ("Property"). Doc. #10 *et seq.*

Debtor complied with Fed. R. Bankr. P. 7004(b)(3) by serving Creditor's registered agent for service of process via first class mail on March 24, 2025, on Schlomo Goldin "or current CFO/CEO" for Creditor at the address listed on both the California Secretary of State's website and Bizapedia, as well as Creditor's attorney as identified by the abstract of judgment. Doc. #14.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 7 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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). § 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), *aff'd*, 24 F.3d 247 (9th Cir. 1994)).

Here, a judgment was entered against Debtor in favor of Creditor in the amount of \$13,337.26 on December 9, 2010. Doc. #13 (Exhibit B). The abstract of judgment was issued on January 20, 2011, and was recorded in Fresno County on January 28, 2011. *Id.* The judgment was renewed on June 19, 2020, by which time the judgment had increased to \$25,954.98. Doc. #13 (Exhibit c). That lien attached to Debtor's interest in Property. *Id.*; Doc. #12. Debtor estimates that the current amount owed on account of this lien is \$25,954.98. *Id.*

As of the petition date, Property had an approximate value of \$357,000.00. Doc. #1 (Schedule A/B). Debtor claimed a \$330,000.00 exemption in Property pursuant to Cal. Code Civ. Proc. ("CCP") § 704.730. Doc. #1 (Schedule C).

Property is encumbered by a first mortgage in favor of Select Portfolio Servicing, Inc. ("SCSI") in the amount of \$31,034.00. Doc. #1 (Schedule D). Property is also encumbered by a second mortgage in favor of CAHousing Finance Agency ("CFA") in the amount of \$37,180.00. *Id.* The sum owed for the two mortgages is \$68,214.00. Property's encumbrances can be illustrated as follows:

Creditor	Amount	Recorded	Status
1. SCSI	\$31,034.00		Unavoidable
2. CFA	\$37,180.00		Unavoidable
3. Creditor	\$25,954.98	1/28/11	Avoidable

When a debtor seeks to avoid multiple liens under § 522(f)(1) and there is equity to which liens can attach, the liens must be avoided in the reverse order of their priority. *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999). Liens already avoided are excluded from the exemption impairment calculation. *Ibid.*; § 522(f)(2)(B).

"Under the full avoidance approach, as used in *Brantz*, the only way a lien would be avoided 'in full' was if the debtor's gross equity were equal to or less than the amount of the exemption." *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 596 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999), citing *In re Brantz*, 106 B.R. 62, 68 (Bankr. E.D. Pa. 1989) ("Avoidance of all judicial liens results unless (3) [the result of deducting the debtor's allowable exemptions and the sum of all liens not avoided from the value of the property] is a positive figure."), citing *In re Magosin*, 75 B.R. 545, 547 (Bankr. E.D. Pa. 1987) (judicial lien was avoidable in its entirety where equity is less than exemption).

This lien is the most junior lien subject to avoidance and there is not any equity to support the lien. Strict application of the § 522(f)(2) formula with respect to Creditor's junior lien is illustrated as follows:

Amount of judgment lien		25,955.00
Total amount of unavoidable liens (incl. senior avoidable liens not yet avoided)	+	68,214.00
Debtor's claimed exemption in Property	+	330,000.00
<i>Sum</i>	=	\$94,169.00
Debtor's claimed value of interest absent liens	-	\$357,000.00
Extent lien impairs exemption	=	(\$262,831.00)

All Points Capital Corp. v. Meyer (In re Meyer), 373 B.R. 84, 91 (B.A.P. 9th Cir. 2007); accord. *Hanger* 217 B.R. at 596, *Higgins v. Household Fin. Corp. (In re Higgins)*, 201 B.R. 965, 967 (B.A.P. 9th Cir. 1996); cf. *Brantz*, 106 B.R. at 68, *Magosin*, 75 B.R. at 549-50, *In re Piersol*, 244 B.R. 309, 311 (Bankr. E.D. Pa. 2000). Since there is no equity for liens to attach and this case does not involve fractional interests or co-owned property with non-debtor third parties, the § 522(f)(2) formula can be re-illustrated using the *Brantz* formula with the same result:

Fair market value of Property		\$357,000.00
Total amount of unavoidable liens (incl. senior avoidable liens not yet avoided)	-	\$68,214.00
Homestead exemption	-	330,000.00
Remaining equity for judicial liens	=	(\$41,214.00)
Creditor's judicial lien	-	\$25,955.00
Extent Debtor's exemption impaired	=	(\$67,169.00)

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is insufficient equity to support any judicial liens. Therefore, the fixing of Creditor's 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 § 522(f)(1). Accordingly, this motion will be GRANTED. The proposed order shall state that Creditor's lien is avoided from the subject Property only and include a copy of the abstract of judgment as an exhibit.

16. [24-13758](#)-B-7 **IN RE: DICK YANG**
[MJ-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
2-26-2025 [\[20\]](#)

FINANCIAL SERVICES, INC./MV
ERIC ESCAMILLA/ATTY. FOR DBT.
MEHRDAUD JAFARNIA/ATTY. FOR MV.

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

DISPOSITION: Granted in part and denied as moot in part.

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

GM Financial Services ("Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2018 Honda Accord Sedan, VIN: 1HGCV1F33JA096693 ("Vehicle"). Doc. 109. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. 4001(a)(4). *Id.*

Dick Yang ("Debtor") did not file opposition and no other party in interest timely filed written opposition. Debtor's Statement of Intention indicated that the Vehicle would be surrendered. This motion will be GRANTED IN PART AND DENIED IN PART.

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

11 U.S.C. § 362(c)(2)(C) provides that the automatic stay of § 362(a) continues until a discharge is granted. The Debtor's discharge was entered on April 15, 2025. Doc. #26. Therefore, the automatic stay terminated with respect to the Debtor on April 15, 2025. This motion will be DENIED AS MOOT IN PART as to the Debtor's

interest and will be GRANTED IN PART for cause shown as to the chapter 7 trustee's (or estate's) interest.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case-by-case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor has failed to make at least one (1) pre-petition payment and one (1) post-petition payment. The Movant has produced evidence that Debtor is delinquent at least \$1,167.08. Docs. #22, #24.

The court also finds that the Debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because Debtor is in chapter 7. The Vehicle is valued at \$19,050.00 and Debtor owes \$21,067.33. Doc. #24.

Accordingly, the motion will be GRANTED IN PART as to the trustee's interest pursuant to § 362(d)(1) and (d)(2) and DENIED AS MOOT IN PART as to the Debtor's interest under § 362(c)(2)(C). No other relief is awarded. According to the Debtor's Statement of Intention, the Vehicle will be surrendered.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because Debtor has failed to make at least four pre-petition payments to Movant, and the Vehicle is a depreciating asset.

17. [25-11058](#)-B-7 **IN RE: KATHERINE LEWIS**
[PBB-1](#)

MOTION TO COMPEL ABANDONMENT
4-1-2025 [\[6\]](#)

KATHERINE LEWIS/MV
PETER BUNTING/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 Moving Party shall submit a proposed order after hearing.

Katherine Lewis ("Debtor") moves for an order compelling chapter 7 trustee Irma C. Edmonds ("Trustee") to abandon the estate's interest in real property located at 1529 North College Avenue, Fresno, CA 93728 ("the Residence"). Doc. #6.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court is inclined to GRANT this motion.

This motion was filed and served 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.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate."

To grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. *In re Vu*, 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." *In re K.C. Mach. & Tool Co.*, 816 F.2d 238, 246 (6th Cir. 1987). In evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. *In re Johnson*, 49 F.3d

538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). *In re Galloway*, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at *16-17 (B.A.P. 9th Cir. 2014).

Debtor seeks abandonment of the Residence, which is described in the Schedules as follows:

Description	Value	Secured Lien	Exemption	Net
1529 North College Ave., Fresno, CA 93728	\$403,000.00	\$299,664.00	\$189,050.00	(\$85,714)

Doc. #1 (Schedules A/B, C, and D)

Debtor contends that after reducing the value of the Residence by the secured lien and Debtor's Exemption, there remains no equity in the Residence with which to pay any secured creditors. Doc. #8. Debtor certifies that Debtor was qualified and eligible to claim the exemptions under applicable law and understands that if for any reason it is determined that Debtor is not qualified to claim an exemption in the property listed, or if there is some other error in the exemption claimed, Trustee may demand that Debtor compensate the estate for any damage caused by the claimed exemption. *Id.* Debtor agrees to not amend the exemptions affecting the Business Assets unless Trustee stipulated to that amendment or such relief is granted by further order of the court. *Id.*

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court will find that the Residence is of inconsequential value and benefit to the estate. The Residence was accurately scheduled and is encumbered or exempted in its entirety. Therefore, the court intends to GRANT this motion.

The order shall specifically include the property to be abandoned.

18. [25-10559](#)-B-7 **IN RE: MICHELLE TAYLOR**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE
2-27-2025 [\[5\]](#)

SCOTT LYONS/ATTY. FOR DBT.

NO RULING.

19. [25-10562](#)-B-7 **IN RE: FRANK/MICHELLE LOPEZ**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE
2-27-2025 [\[4\]](#)

SCOTT LYONS/ATTY. FOR DBT.

NO RULING.

20. [25-10767](#)-B-7 **IN RE: TEDDY/RUBY JACOBS**
[KTS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
4-2-2025 [\[23\]](#)

2300 W. EL SEGUNDO, L.P./MV
CALVIN CLEMENTS/ATTY. FOR MV.
DISMISSED 04/01/2025;

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

DISPOSITION: Denied as moot.

No order is required.

On April 1, 2025, this case was dismissed for failure to timely file documents. Doc. #22. Accordingly, this motion will be DENIED AS MOOT.

21. [25-10995](#)-B-7 **IN RE: RAYMOND/MEGAN KANICSAR**
[PBB-1](#)

MOTION TO COMPEL ABANDONMENT
4-1-2025 [\[8\]](#)

MEGAN KANICSAR/MV
PETER BUNTING/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 Moving Party shall submit a proposed order after hearing.

Raymond and Megan Kanicsar ("Debtors") move for an order compelling chapter 7 trustee Peter L. Fear ("Trustee") to abandon the estate's interest in certain business assets ("the Assets") described below:

Description	Value	Secured Lien	Exemption	Remaining Equity
2015 Ford Fusion	\$3,922.00	None	\$7,500.00	\$0.00
Chase Bank Checking Account #9178	\$0.00	None	\$2,000.00	\$0.00

Doc. #8. See also Doc. #1 (Schedules A/B, C, and D).

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court is inclined to GRANT this motion.

This motion was filed and served 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.

11 U.S.C. § 554(b) provides that "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate."

To grant a motion to abandon property, the bankruptcy court must find either that: (1) the property is burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. *In re Vu*, 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). As one court noted, "an order compelling abandonment is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." *In re K.C. Mach. & Tool Co.*, 816 F.2d 238, 246 (6th Cir. 1987). In evaluating a proposal to abandon property, it is the interests of the estate and the creditors that have primary consideration, not the interests of the debtor. *In re Johnson*, 49 F.3d 538, 541 (9th Cir. 1995) (noting that the debtor is not mentioned in § 554). *In re Galloway*, No. AZ-13-1085-PaKiTa, 2014 Bankr. LEXIS 3626, at *16-17 (B.A.P. 9th Cir. 2014).

Debtor contends that after reducing the value of the Assets by the applicable Debtors' Exemption, there remains no equity in the Assets with which to pay any secured creditors. Doc. #10. Debtor certifies that Debtor was qualified and eligible to claim the exemptions under applicable law and understands that if for any reason it is determined that Debtor is not qualified to claim an exemption in the property listed, or if there is some other error in the exemption claimed, Trustee may demand that Debtor compensate the estate for any damage caused by the claimed exemption. *Id.* Debtor agrees to not amend the

exemptions affecting the Business Assets unless Trustee stipulated to that amendment or such relief is granted by further order of the court. *Id.*

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court will find that the Residence is of inconsequential value and benefit to the estate. The Residence was accurately scheduled and is encumbered or exempted in its entirety. Therefore, the court intends to GRANT this motion.

The order shall specifically include the property to be abandoned.

22. [25-10099](#)-B-7 **IN RE: MARTIN AGUINIGA MOSQUEDA**
[PFT-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING OF CREDITORS
3-14-2025 [\[13\]](#)

MELODY MORRIS/ATTY. FOR DBT.

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

DISPOSITION: Conditionally denied.

ORDER: The court will issue an order.

Chapter 7 trustee Peter L. Fear ("Trustee") seeks dismissal of this case for the debtor's failure to appear and testify at the § 341(a) meeting of creditors held on March 13, 2025. Doc. #13.

Martin Aguiniga Mosqueda ("Debtor") timely filed an opposition through his counsel, Travis Poteat, averring that his failure to appear was due to technical issues with the ZOOM call and that he is prepared to appear at the rescheduled 341 meeting. Doc. #15.

This motion to dismiss will be CONDITIONALLY DENIED.

Debtor shall attend the meeting of creditors rescheduled for May 8, 2025 at 3:00 p.m. See Doc. #13. If Debtor fails to appear at testify at the rescheduled meeting, Trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The times prescribed in Fed. R. Bankr. P. 1017(e)(1) and 4004(a) for the Chapter 7 Trustee and U.S. Trustee to object to Debtor's discharge or file motions for abuse, other than presumed abuse under § 707, are extended to 60 days after the conclusion of the meeting of creditors.