



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, April 23, 2026
Department A – Courtroom #11
Fresno, California

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

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

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

Please also note the following:

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

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

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

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

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

1. [25-11802](#)-A-13 **IN RE: JASON/ERIN FREEMAN**
[FW-1](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C. FOR
GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)
3-17-2026 [[24](#)]

GABRIEL WADDELL/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

Fear Waddell, P.C. ("Movant"), counsel for Jason Ryan Freeman and Erin Brooke Freeman (together, "Debtors"), the debtors in this chapter 13 case, requests interim allowance of compensation in the amount of \$8,908.50 and reimbursement for expenses in the amount of \$34.05 for services rendered from January 2, 2025 through February 28, 2026. Doc. #24. Debtors' confirmed plan provides, in addition to \$2,000.00 paid prior to filing the case, for \$15,000.00 in attorney's fees to be paid through the plan. Plan, Doc. ##3, 19. No prior fee application has been filed. Debtors consent to the amount requested in Movant's application. Ex. E, Doc. #26.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Here, Movant demonstrates services rendered relating to: (1) prepetition consultation with Debtors and fact gathering, including independently verifying information; (2) preparing voluntary petition, schedules and related forms and amendments thereto; (3) preparing for and attending 341 meeting of creditors; (4) preparing and prosecuting Debtors' original and first modified plans;

(5) claim administration and claim objections; (6) preparing the fee application; and (7) general case administration. Exs. A, B & C, Doc. #26. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$8,908.50 and reimbursement for expenses in the amount of \$34.05 to be paid in a manner consistent with the terms of the confirmed plan.

2. [26-10745](#)-A-13 **IN RE: ROGER BECKMAN**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-1-2026 [[23](#)]

\$79.00 INSTALLMENT FEE PAID 4/7/26

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

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

The order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

3. [26-10746](#)-A-13 **IN RE: ANJEANETTE FRANCO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-1-2026 [[20](#)]

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the order to show cause.

If the installment fees due at the time of hearing are paid before the hearing, the order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

4. [25-11850](#)-A-13 **IN RE: DANIELA SILVA OCHOA**
[FW-2](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C. FOR
GABRIEL J. WADDELL, TRUSTEES ATTORNEY(S)
3-16-2026 [[29](#)]

GABRIEL WADDELL/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

Fear Waddell, P.C. ("Movant"), counsel for Daniela Monserrat Silva Ochoa ("Debtor"), the debtor in this chapter 13 case, requests interim allowance of compensation in the amount of \$5,046.50 and reimbursement for expenses in the amount of \$14.70 for services rendered from December 12, 2024 through February 28, 2026. Doc. #29. Debtor's confirmed plan provides, in addition to \$2,187.00 paid prior to filing the case, for \$12,000.00 in attorney's fees to be paid through the plan. Plan, Doc. ##2, 23. No prior fee application has been filed. Debtor consents to the amount requested in Movant's application. Ex. E, Doc. #31.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Here, Movant demonstrates services rendered relating to: (1) prepetition consultation with Debtor and fact gathering, including independently verifying information; (2) preparing voluntary petition, schedules and related forms and amendments thereto; (3) preparing for and attending 341 meeting of creditors; (4) preparing and prosecuting Debtor's original and first modified plans; (5) claim administration and claim objections; (6) preparing the fee application; and (7) general case administration. Exs. A, B & C, Doc. #31. The

court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$5,046.50 and reimbursement for expenses in the amount of \$14.70 to be paid in a manner consistent with the terms of the confirmed plan.

5. [25-12265](#)-A-13 **IN RE: MANUEL/RISSY MONTOYA**
[LGT-4](#)

MOTION TO DISMISS CASE
3-13-2026 [\[94\]](#)

LILIAN TSANG/MV
ANTHONY EGBASE/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

6. [25-12772](#)-A-13 **IN RE: ANGEL ACEVEDO**
[SLL-1](#)

MOTION TO MODIFY PLAN
3-19-2026 [\[29\]](#)

ANGEL ACEVEDO/MV
STEPHEN LABIAK/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

7. [25-26775](#)-A-13 **IN RE: TERESA STOLZ**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-16-2026 [[22](#)]

DAVID CUSICK/MV
CASE DISMISSED 3/27/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on March 27, 2026. Doc. #39.
Therefore, this motion will be OVERRULED AS MOOT.

8. [25-26775](#)-A-13 **IN RE: TERESA STOLZ**
[RAS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY ONITY MORTGAGE CORPORATION
3-25-2026 [[35](#)]

ONITY MORTGAGE CORPORATION/MV
SHANA STARK/ATTY. FOR MV.
CASE DISMISSED 3/27/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on March 27, 2026. Doc. #39.
Therefore, this motion will be OVERRULED AS MOOT.

9. [23-22376](#)-A-13 **IN RE: BRANDON VILICANA**
[DPC-2](#)

MOTION TO DISMISS CASE
3-13-2026 [[65](#)]

DAVID CUSICK/MV
MICHAEL HAYS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant requested dismissal of the motion on April 17, 2026. Doc. #71.

10. [25-26081](#)-A-13 **IN RE: JAY/BARBARA SUMERLIN**
[DWL-1](#)

MOTION TO CONFIRM PLAN
3-10-2026 [[26](#)]

BARBARA SUMERLIN/MV
PATRICIA WILSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

There is no attachment to the certificate of service filed with the motion (Doc. #32) showing the parties and addresses on which the motion and supporting documents were served. Therefore, the motion filed by the debtors does not comply with Local Rule of Practice ("LBR") 3015-1(d)(1), which requires that a motion to confirm a modified plan must be served on parties in interest at least thirty-five (35) days prior to the hearing. Because there is no attachment to the certificate of service filed with the motion, the court cannot determine whether the proper parties were served.

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

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

11. [23-21584](#)-A-7 **IN RE: CASSANDRA VISCIA**
[DPC-4](#)

MOTION TO DISMISS CASE
3-13-2026 [[138](#)]

DAVID CUSICK/MV
MARK SHMORGON/ATTY. FOR DBT.
RESPONSIVE PLEADING; CASE CONVERTED 4/6/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

A notice of voluntary conversion was entered in this bankruptcy case on April 7, 2026. Doc. #150. Therefore, the motion to dismiss the chapter 13 case is DENIED AS MOOT.

12. [24-20884](#)-A-13 **IN RE: RAKESH/BALJIT BAINS**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
2-20-2026 [[215](#)]

DAVID CUSICK/MV
MARK WOLFF/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

As a procedural matter, Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Rule 7004(g) allows service on a debtor's attorney pursuant to Federal Rule of Civil Procedure 5. However, Box 6B of the trustee's certificate of service (Doc. #218) is not checked to indicate that the appropriate parties were served in this manner, nor is the debtor's counsel listed on Attachment 6A1 of the certificate of service. Doc. #218. Because the court's docket for this case indicates that the debtor's counsel was served electronically by the court, any error in service on the debtor's attorney is harmless in this case.

On February 20, 2026, the chapter 13 trustee ("Trustee") moved to dismiss the debtors' chapter 13 case under 11 U.S.C. § 1307(c)(6) for failure to make all plan payments due under the plan. Doc. #215. Specifically, as of February 20, 2026, the debtors were delinquent in the amount of \$3,898.18 under the proposed plan with two additional plan payments coming due by the March 26, 2026 hearing. Id.

On March 11, 2026, the debtors filed and served a motion to confirm the debtors' second modified plan and set that motion for hearing on April 23, 2026. Doc. ##222-224, 226-227. The court has granted that motion by final ruling, calendar matter #13 below.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. By confirming debtors' second modified plan, it appears that the ground for Trustee's motion to dismiss is satisfied so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(6).

Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

13. [24-20884](#)-A-13 **IN RE: RAKESH/BALJIT BAINS**
[WW-4](#)

MOTION TO MODIFY PLAN
3-11-2026 [[222](#)]

BALJIT BAINS/MV
MARK WOLFF/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee timely filed non-opposition to this motion. See Non-Opp'n, Doc. #235. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

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

14. [26-11484](#)-A-13 **IN RE: SUZANNE JOSEFOWSKI**
[PGM-1](#)

MOTION TO EXTEND AUTOMATIC STAY
4-8-2026 [[13](#)]

SUZANNE JOSEFOWSKI/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

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

proceed as scheduled. Although not required, Central Pacific Bank ("Creditor") filed written opposition on April 20, 2026. Doc. #22. Unless further opposition is presented at the hearing, the court intends to enter the respondents' defaults and deny the motion. If further opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

As a procedural matter, the opposition filed by Creditor does not comply with LBR 9004-2(d), which requires the opposition, declaration and certificate of service to be filed as separate documents. Here, the opposition was filed as a single seventeen-page document that included the supporting declaration and certificate of service. Doc. #22.

As a further procedural matter, the exhibits filed in support of the opposition filed by Creditor do not comply with LBR 9004-2(d), which requires that an exhibit document be consecutively numbered in the manner set forth in LBR 9004-2(d)(3) and has an index at the start of the document that lists and identifies by exhibit number/letter each exhibit individually and states the page number at which the exhibit is found within the exhibit document as required by LBR 9004-2(d)(2). Here, the exhibit documents did not include an index and the pages were not numbered in the manner required by this court's Local Rules of Practice.

As a further procedural matter, the certificate of service filed in connection with the opposition does not comply with LBR 7005-1 and General Order 22-03, which require attorneys and trustees to use the court's Official Certificate of Service Form (EDC Form 7-005, Rev. 6/3/2025).

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

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

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 26-10204 (Bankr. E.D. Cal.) ("Prior Case"). The Prior Case was filed on January 21, 2026 by Debtor in pro se and dismissed on February 19, 2026 for Debtor's failure to file documents timely. Decl. of Suzanne A. Josefowski, Doc. #15. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on April 1, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on May 1, 2026.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c)(3)(B).

Section 362(c)(3)(C)(i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the

court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c)(3)(C)(i).

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

In support of this motion to extend the automatic stay, Debtor declares that the Prior Case was filed to stop the foreclosure sale on her second home ("Second Property"). Josefowski Decl., Doc. #15. Debtor's husband passed away suddenly, which did not afford Debtor enough time to get all documents together by the deadline in the Prior Case. Id. Debtor states that since the Prior Case was dismissed, her circumstances have changed because she has hired an attorney to represent her in the instant case and she has not acquired any new debt. Id. Debtor filed a proposed plan on April 8, 2026. Doc. #12. Debtor's Schedules I and J filed in this case list Debtor's monthly income of \$6,050.00 and expenses of \$4,038.69, resulting in monthly net income of \$2,011.31. Schedules I & J, Doc. #11. Debtor proposes to pay \$2,000.00 in monthly plan payments for 59 months and \$600,000.00 for one month from the net proceeds of the sale of the Second Property. Schedules I and J, Doc. #11; Chapter 13 plan, Doc. #12.

Creditor opposes the motion and asserts that Debtor has failed to rebut the presumption of bad faith. Doc. #22. Specifically, Creditor states that: (1) Debtor has failed to show any circumstances are different in the current case other than hiring a bankruptcy attorney; (2) Debtor's statement that her husband suddenly passed away is deceiving because, while sudden, Debtor's husband passed away in June 2023, so his passing was not recent; (3) the Second Property Debtor intends to sell to satisfy her proposed plan will not generate the necessary net sale proceeds for the estate because the State of Hawaii has a statutory lien against the Second Property for over \$1.7 million, and the Second Property is valued at \$673,100.00 as of 2026 according to the City and County of Honolulu's real property tax assessment office's online website; (4) the Second Property does not appear to have an active sale listing; and (5) it is not necessary to extend the automatic stay for Debtor to proceed with selling the Second Property. Decl. of Andrew Y.C. Lee, Doc. #22; Exs. 1-5, Doc. #23. Because it does not appear that the Second Property will be able to be sold to benefit the estate, Debtor's proposed plan does not appear to be feasible. Id.

After consideration of the motion and the opposition filed by Creditor, the court finds that Debtor has not met her burden of rebutting the presumption by clear and convincing evidence that the current case was not filed in good faith because the pleadings filed with the motion in conjunction with the pleadings filed in opposition to the motion fail to provide any reason for this court to believe that the current case will result in a discharge or fully performed plan as required under 11 U.S.C. § 362(c)(3)(C).

Accordingly, the motion to extend the automatic stay will be DENIED. For the parties' information, this court follows In re Thu Thi Dao, 616 B.R. 103, 104 (Bankr. E.D. Cal. 2020) (Klein, J.), which holds that the plain language of section 362(c)(3)(A) terminates the automatic stay with respect to the debtor

and property of the debtor but does not terminate the automatic stay with respect to the estate or property of the estate.

15. [21-22085](#)-A-13 **IN RE: SHARRON WINGHAM**
[DPC-4](#)

MOTION TO DISMISS CASE
3-11-2026 [[102](#)]

DAVID CUSICK/MV
BERT VEGA/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

16. [23-23986](#)-A-13 **IN RE: DANETTE SPANGLER**
[DPC-2](#)

MOTION TO DISMISS CASE
3-13-2026 [[44](#)]

DAVID CUSICK/MV
MICHAEL HAYS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

As a procedural matter, Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Rule 7004(g) allows service on a debtor's attorney pursuant to Federal Rule of Civil Procedure 5. However, Box 6B of the trustee's certificate of service (Doc. #47) is not checked to indicate that the appropriate parties were served in this manner, nor is the debtor's counsel listed on Attachment 6A1 of the certificate of service. Doc. #47. Because the court's docket for this case indicates that the debtor's counsel was served electronically by the court, any error in service on the debtor's attorney is harmless in this case. Moreover, the debtor filed a statement of non-opposition to the granting of this motion. Doc. #48.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). the debtor filed a statement of non-opposition to the granting of this motion. Doc. #48. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-

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

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307 (c) (6) for failure to make all payments due under the plan. Doc. #44. The debtor is delinquent in the amount of \$4,397.09. Id. Before this hearing, another payment in the amount of \$1,892.00 will also come due. Id. The debtor does not oppose. Doc. #48.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". "There is "cause" for dismissal under 11 U.S.C. § 1307(c) (6) for failure to make all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows that there is no equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #14. Because there is no non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

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

17. [24-13287](#)-A-13 **IN RE: JOHN/NANCY ALVA**
[SDN-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
1-30-2026 [[129](#)]

FAMILIES AND SCHOOLS TOGETHER CREDIT UNION/MV
STEPHEN LABIAK/ATTY. FOR DBT.
SHERYL NOEL/ATTY. FOR MV.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on April 10, 2026. Doc. #152.

18. [26-10087](#)-A-13 **IN RE: MARI RUB-FERRELL**
[SKI-2](#)

OBJECTION TO CONFIRMATION OF PLAN BY SANTANDER BANK, N.A.
3-19-2026 [\[46\]](#)

SANTANDER BANK, N.A./MV
SHERYL ITH/ATTY. FOR MV.
DISMISSED 4/17/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on April 17, 2026. Doc. #62.
Therefore, this motion will be OVERRULED AS MOOT.

19. [25-25890](#)-A-13 **IN RE: DONALD CLEVELAND**
[SW-4](#)

MOTION TO CONFIRM PLAN
3-13-2026 [\[72\]](#)

DONALD CLEVELAND/MV
JAMES SHEPHERD/ATTY. FOR DBT.
CONT'D FROM 4/16/26 WITHOUT ORDER; RESPONSIVE PLEADING

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

DISPOSITION: Dropped as moot.

ORDER: The court will issue an order.

An order denying the motion to confirm was entered on April 16, 2026. Doc. #94.
Therefore, the motion to confirm is dropped from calendar.

20. [25-26590](#)-A-13 **IN RE: MICHAEL JAMES MERCADO**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
3-6-2026 [\[41\]](#)

DAVID CUSICK/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

As a procedural matter, Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Rule 7004(g) allows service on a debtor's attorney pursuant to Federal Rule of Civil Procedure 5. However, Box 6B of the trustee's certificate of service (Doc. #44) is not checked to indicate that the appropriate parties were served in this manner, nor is the debtor's counsel listed on Attachment 6A1 of the certificate of service. Doc. #44. Because the court's docket for this case indicates that the debtor's counsel was served electronically by the court, any error in service on the debtor's attorney is harmless in this case.

On March 6, 2026, the chapter 13 trustee ("Trustee") moved to dismiss the debtor's chapter 13 case under 11 U.S.C. § 1307(c)(6) for failure to make all plan payments due under the plan. Doc. #41. Specifically, as of March 6, 2026, the debtor is delinquent in the amount of \$13,005.00 under the proposed plan. Id.; Decl. of Neil Enmark, Doc. #43.

On March 18, 2026, the debtor filed and served a motion to confirm the debtor's first modified plan and set that motion for hearing on April 23, 2026. Doc. ##50-54, 56. The court has granted that motion by final ruling, calendar matter #21 below.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. By confirming debtors' second modified plan, it appears that the ground for Trustee's motion to dismiss is satisfied so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(6).

Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

21. [25-26590](#)-A-13 **IN RE: MICHAEL JAMES MERCADO**
[PGM-1](#)

MOTION TO CONFIRM PLAN
3-18-2026 [50]

MICHAEL JAMES MERCADO/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee timely filed non-opposition to this motion. See Non-Opp'n, Doc. #72. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved

without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

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

22. [25-26590](#)-A-13 **IN RE: MICHAEL JAMES MERCADO**
[PGM-2](#)

MOTION TO VALUE COLLATERAL OF 1ST SECURITY BANK OF WASHINGTON
3-25-2026 [\[61\]](#)

MICHAEL JAMES MERCADO/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). On April 9, 2026, the chapter 13 trustee filed a non-opposition to the motion. Doc. #74. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

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

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #65. However, Federal Rule of Bankruptcy Procedure ("Rule") 9014 requires service of a motion to value collateral be made pursuant to Rule 7004, which

was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Michael James Beleta Mercado ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's hardscape, including pavers built into wall, turf, lighting, and water features (collectively, the "Property") at \$1,500.00, which is the collateral of 1st Security Bank of Washington. ("Creditor"). Doc. #61; Decl. of Michael James Mercado, Doc. #63.

11 U.S.C. § 1325(a) (*) (the hanging paragraph) permits the debtor to value personal property other than a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 1-year period preceding the date of filing. 11 U.S.C. § 506(a) (1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a) (2) of the Bankruptcy Code states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a) (2).

Debtor has a loan with Creditor secured by the Property in the amount of \$29,302.57. Doc. #61. Creditor's claim was incurred by Debtor more than one year before filing this bankruptcy case. Id.; Mercado Decl., Doc. #63. Debtor asserts that the replacement value of Property is \$1,500.00 and asks the court for an order valuing the Property at \$1,500.00. Id. Debtor is competent to testify as to the value of the Property. Given the absence of contrary evidence, Debtor's opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

The motion is GRANTED. Creditor's secured claim will be fixed at \$1,500.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

23. [25-26692](#)-A-13 **IN RE: FRANCISCO RUIZ AND IRMA FUENTES**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-21-2026 [\[26\]](#)

DAVID CUSICK/MV
ARETE KOSTOPOULOS/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtor filed a first amended plan on March 5, 2026 (Doc. #32), with a motion to confirm the modified

plan set for hearing on April 16, 2026 at 9:30 a.m., which was denied without prejudice. Doc. ##34-37; Order, Doc. #41.

24. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[TCS-2](#)

CONTINUED OBJECTION TO CLAIM OF AMERICAN HONDA FINANCE CORPORATION,
CLAIM NUMBER 4
1-12-2026 [\[30\]](#)

CHRISTOPHER MORRIS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to May 28, 2026 at 9:30 a.m.

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

Because resolution of this objection to claim is related to the motion to value the collateral of the claimant and the court intends to continue that hearing at the request of the parties, this objection to claim will be continued to May 28, 2026 at 9:30 a.m. to be heard with in connection with the continued hearing on the debtor's motion to value collateral (TCS-2), calendar matter #25 below.

25. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[TCS-3](#)

EVIDENTIARY HEARING RE: MOTION TO VALUE COLLATERAL OF AMERICAN HONDA
FINANCE CORPORATION
1-12-2026 [\[35\]](#)

CHRISTOPHER MORRIS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to May 28, 2026 at 9:30 a.m.

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

Based on the joint status report filed by the parties on April 17, 2026 (Doc. #62), this motion to value will be continued to May 28, 2026 at 9:30 a.m.

The parties shall file a joint status report no later than May 21, 2026 if the motion to value (TCS-3) has not been resolved by that date.

MOTION FOR COMPENSATION BY THE LAW OFFICE OF BANKRUPTCY LAW GROUP, PC FOR
CHAD M. JOHNSON, DEBTORS ATTORNEY(S)
3-12-2026 [\[51\]](#)

CHAD JOHNSON/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

Chad M. Johnson of Bankruptcy Law Group, PC ("Movant"), counsel for Mary Kathleen Falconer ("Debtor"), the debtor in this chapter 13 case, requests final review pursuant to 11 U.S.C. § 330 of all fees and expenses previously allowed pursuant to 11 U.S.C. § 331 on an interim basis. Doc. #51. One prior fee application has been granted, allowing interim compensation to Movant pursuant to 11 U.S.C. § 331 in the amount combined amount of \$3,089.37. Order, Doc. #28.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Movant requests final allowance of \$3,057.00 for fees allowed and \$32.37 for expenses previously granted on an interim basis. Order, Doc. #28; Decl. of Chad M. Johnson, Doc. #53. Here, Movant demonstrates services rendered from September 7, 2021 to March 22, 2022 relating to: (1) claim administration and objections; (2) original and modified plan, hearings, and objections; and (3) preparation for discharge and case closing. Ex. B, Doc. #54. Movant was authorized by the court order to credit \$542.00 held in Movant's trust and the trustee has paid counsel \$2,547.37 from the plan payments. Order, Doc. #28. Johnson Decl., Doc. #53. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on a final basis.

This motion is GRANTED. The court allows on a final basis all fees and expenses previously allowed to Movant on an interim basis, as set forth above.

27. [25-25396](#)-A-13 **IN RE: KIMBERLY YATES**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
1-28-2026 [[32](#)]

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

NO RULING.

28. [25-26798](#)-A-13 **IN RE: CHRISTOPHER MORELAND AND CHERYL DAY-MORELAND**
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
1-16-2026 [[12](#)]

DAVID CUSICK/MV
MOHAMMAD MOKARRAM/ATTY. FOR DBT.
CASE DISMISSED 2/27/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on February 27, 2026. Doc. #24. Therefore, this motion will be OVERRULED AS MOOT.

29. [22-21299](#)-A-13 **IN RE: DAMON TURNER**
[DPC-10](#)

MOTION TO DISMISS CASE
3-11-2026 [[148](#)]

DAVID CUSICK/MV
MATTHEW DECAMINADA/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

As a procedural matter, Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Rule 7004(g) allows service

on a debtor's attorney pursuant to Federal Rule of Civil Procedure 5. However, Box 6B of the trustee's certificate of service (Doc. #151) is not checked to indicate that the appropriate parties were served in this manner, nor is the debtor's counsel listed on Attachment 6A1 of the certificate of service. Doc. #151. Because the court's docket for this case indicates that the debtor's counsel was served electronically by the court, any error in service on the debtor's attorney is harmless in this case.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the 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 a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307 (c)(6) for failure to make all payments due under the plan. Doc. #148. The debtor is delinquent in the amount of \$4,359.16. Id. Before this hearing, another payment in the amount of \$4,359.16 will also come due. Id. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(6) for failure to make all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows that there is no equity in the debtors' assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is no non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

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

30. [26-11482](#)-A-13 **IN RE: NATHAN SCHULTZ**
[RSW-1](#)

MOTION TO EXTEND AUTOMATIC STAY
4-9-2026 [[12](#)]

NATHAN SCHULTZ/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted through June 1, 2026; continue hearing to permit further extension of the automatic stay to May 28, 2026 at 9:30 a.m.

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

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice 9014-1(f)(2) and will proceed as scheduled. Although not required, creditors Iris Angeleri and Robert Adrian Angeleri II (together, "Angeleris") and creditor Glen Zahler ("Zahler" and together with the Angeleris, "Creditors") filed preliminary written opposition on April 21, 2026. Doc. ##21, 24. Unless further opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion through June 1, 2026 and continue the hearing to May 28, 2026 at 9:30 a.m.

Debtor Nathan Thomas Schultz ("Debtor") moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B). Doc. #12.

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 26-11087 (Bankr. E.D. Cal.) ("Prior Case"). The Prior Case was filed on March 16, 2026 by Debtor in pro se and dismissed on March 27, 2026 for Debtor's failure to file documents timely. Decl. of Nathan Schultz, Doc. #14. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on April 1, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on May 1, 2026.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c)(3)(B).

Section 362(c)(3)(C)(i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the

dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c)(3)(C)(i).

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

In this case, the presumption of bad faith arises because Debtor's Prior Case was dismissed for failure to timely file documents. See Case 26-11087, Doc. #11.

In support of this motion to extend the automatic stay, Debtor declares that the Prior Case was filed to stop the foreclosure on his real property. Doc. #12; Schultz Decl., Doc. #14. Debtor states his Prior Case was dismissed because he filed the Prior Case without the assistance of an attorney. Id. Debtor is now represented by an experienced chapter 13 attorney and Debtor now understands all the requirements needed to confirm a chapter 13 plan. Id. Debtor asserts he will file everything on time to show that he has the ability to make plan payments since he is employed and also has rental income. Id.

Angeleris oppose the motion asserting that Debtor transferred real property located at 1315 Robinson Street, Bakersfield, California in which Angeleris holds a security interest from the non-debtor entity to whom Angeleris lent money and which held title to the real property until transferred to Debtor shortly before Debtor filed this bankruptcy case. Opp., Doc. #21. Angeleris also asserts that Angeleris' loan matured on April 1, 2025, and Debtor must pay \$154,727.56, the full amount of the matured loan, along with interest during the 60 months of the plan. Id. However, Angeleris have not provided evidence in support of their factual assertions other than a request for judicial notice. Doc. #22.

Zahler is the current obligee on a promissory note of Debtor secured by a first deed of trust in Debtor's real property located at 444 Border Court, Frazier Park, California, on which Debtor became delinquent. Opp., Doc. #24. Zahler commenced foreclosure proceedings that were halted by the filing of the Prior Case. Id. Zahler also asserts that Zahler's loan matured on February 1, 2025, and Debtor must pay \$186,140.00, the full amount of the matured loan, along with interest during the 60 months of the plan. Id. However, Zahler has not provided evidence in support of his factual assertions other than a request for judicial notice. Doc. #25.

Because there appears to be a dispute as to whether the current case will result in a fully performed plan, the court is inclined to grant an extension of the automatic stay through June 1, 2026, unless terminated by further order of the court, and continue the hearing on this motion to May 28, 2026 at 9:30 a.m. to determine whether a further extension of the automatic stay should be granted. The court is further inclined to require Creditors to file and serve supplemental pleadings in support of their oppositions to the motion to extend the automatic stay on or before May 7, 2026, and require Debtor to file and serve any respond to any such additional pleadings on or before May 14, 2026.

11:00 AM

1. [24-13616](#)-A-7 **IN RE: TRINA PAYNE**
[25-1025](#)

PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
6-26-2025 [7]

AMERICAN CONTRACTORS INDEMNITY COMPANY V. PAYNE
MISTY PERRY-ISAACSON/ATTY. FOR PL.
DISMISSED 4/16/26

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on April 16, 2026. Doc. #73.

2. [24-13616](#)-A-7 **IN RE: TRINA PAYNE**
[25-1025](#) [MPI-1](#)

CONTINUED MOTION FOR SUMMARY JUDGMENT
2-19-2026 [56]

AMERICAN CONTRACTORS INDEMNITY COMPANY V. PAYNE
MISTY PERRY-ISAACSON/ATTY. FOR MV.
RESPONSIVE PLEADING
DISMISSED 4/16/26

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on April 16, 2026. Doc. #73.

3. [20-13822](#)-A-7 **IN RE: FAUSTO CAMPOS AND VERONICA NAVARRO**
[21-1006](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
5-6-2021 [18]

RAMIREZ V. CAMPOS
PAMELA THAKUR/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 22, 2026 at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the joint status report filed on April 16, 2026 (Doc. #97), the status conference is continued to October 22, 2026 at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than October 15, 2026.

4. [25-13864](#)-A-7 **IN RE: MARIELA CEJA FARFAN**
[26-1007](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
2-23-2026 [[1](#)]

COLEMAN V. CEJA FARFAN
ANGEL COLEMAN/ATTY. FOR PL.

NO RULING.

5. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[23-1029](#) [SN-3](#)

MOTION FOR LEAVE TO AMEND COMPLAINT
3-19-2026 [[215](#)]

NICOLE V. AMERICAN AUTOMOBILE ASSOCIATION OF NORTHERN CALIFORNIA

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the answering defendant or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has not done here.

As a procedural matter, the motion and exhibits to not comply with LBR 7015-1, which requires the party seeking to amend a pleading before trial to include as exhibits to the motion: "(1) a copy of the proposed amendment, amended or supplemental pleading, which must be serially numbered to differentiate it from previous pleadings or amendments; and (2) either a redline copy, which compares the proposed pleading to the most recent applicable pleading, or a table that specifies the location by citation to the page and paragraph and receives verbatim each addition or deletion." LBR 7015-1. Here, the plaintiff should have filed and served this motion with attached exhibits that included redline copy or a table specifying the changes made in the proposed amended complaint.

As a further procedural matter, after filing the original motion, the plaintiff filed a further request to remove Los Banos Transport & Towing ("Transport") as a defendant to the Complaint and remove Plaintiff's third claim for relief regarding violation of the automatic stay. That request is improper because the amended motion seeks different relief than that set forth in the original motion and was not set for hearing on at least 28 days' notice prior to the hearing date as required by LBR 9014-1(f)(1) and (f)(2)(A). Doc. #234. However, even if the amended request was properly filed and served, this amendment is not necessary. On January 30, 2025, the court granted Defendant's motion to dismiss in part and dismissed without leave to amend the plaintiff's third claim for relief regarding violation of the automatic stay as to Defendant. Order, Doc. #128. On May 16, 2025, the court granted Transport's motion to sever the third claim for relief against Transport and opened a new adversary proceeding for Plaintiff and Transport. Order, Doc. #172; Adv. Proc. 23-01029, Doc. #1. Thus, Transport has already been removed from this adversary proceeding as has the third claim for relief.

As further procedural matter, less than a week before the hearing on this motion, the plaintiff filed another amended motion for leave to amend the complaint to also add a claim under 42 U.S.C. § 1983 as to the defendant for violation of the plaintiff's civil rights. Doc. #246. Again, that request is improper because the amended motion was not set for hearing on at least 28 days' notice prior to the hearing date as required by LBR 9014-1(f)(1) and (f)(2)(A). Therefore, the amended motion for leave to amend complaint is denied. Even if the amended motion was properly filed and served, it does not appear to the court that a claim under 42 U.S.C. § 1983 applies here as the purpose of 42 U.S.C. § 1983 is to sue state or local government officials, and the defendant in this adversary proceeding is neither.

Sylvia Nicole ("Plaintiff") moves for an order granting leave to file an amended complaint pursuant to Federal Rule of Civil Procedure ("Rule") 15, made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7015, and LBR 7015-1 to include the correct incident date, and include witness names that were not previously specified. Doc. #215.

Plaintiff initiated this adversary proceeding by filing a complaint on July 12, 2023. Complaint, Doc. #1. The complaint was amended on June 24, 2024, November 18, 2024 and November 20, 2024 ("Complaint"). Doc. ##82, 109, 111. American Automobile Association of Northern California, Nevada & Utah ("Defendant") filed an amended answer to the Complaint on February 18, 2025. Doc. ##87, 132. Based on the scheduling order and amended scheduling order in this adversary proceeding, discovery closed on September 25, 2025, and a pre-trial conference is scheduled for May 21, 2026. Doc. ##162, 230.

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

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

- (1) Bad faith: Plaintiff asserts that the incident date in the Complaint is incorrect and witnesses' names were not specified, which is the reason Plaintiff wants to amend her Complaint. Doc. ##215, 218. However, pursuant to Rule 15(b), the court can conform the Complaint at trial if needed to address the incorrect incident date. Based on the close of discovery and the impending pre-trial conference, it appears to the court that Plaintiff filed this motion to delay trial in this adversary proceeding. Because the facts that Plaintiff seeks to amend in the Complaint can be addressed during or after the trial, this factor weighs in favor of denying leave to amend the Complaint.
- (2) Undue delay: The Complaint was originally filed on July 12, 2023. Plaintiff could have sought leave to amend the Complaint during the past almost 3 years. The request to correct the incident date and add witnesses' names, even if this information was newly discovered, the information is not so important that an amended complaint is needed. Moreover, discovery in this adversary proceeding closed on September 25, 2025, and a pre-trial conference is set for May 14, 2026. Doc. #162. Because the additional information Plaintiff seeks to include in the proposed amended complaint does not warrant an amended complaint at this late date and will only further delay trial procedures, this factor weighs in favor of denying leave to amend the Complaint.
- (3) Prejudice to opposing party: Plaintiff does not assert that no prejudice will arise to Defendant if leave to amend the complaint is granted in this matter. Decl. of Sylvia Nicole, Doc. #217. The court does not believe it is necessary for Plaintiff to file an amended complaint to correct the incident date and name witnesses because Plaintiff will be able to supplement the record as part of the pretrial proceedings. Therefore, allowing leave to amend the Complaint will only further delay this adversary proceeding, which prejudices Defendant. This factor weighs in favor of denying leave to amend the Complaint.
- (4) Futility of the amendment: Plaintiff asserts the amendment is necessary to include the correct incident date and witnesses' names that were not previously specified. Plaintiff has provided a copy of the proposed amended complaint that includes the correct incident date and includes witnesses' names that were not previously specified. Ex., Doc. #218. However, the proposed amendment to include the correct incident date and witnesses' names that were not previously specified is unnecessary as the proposed amendments can be clarified in the pretrial procedures or, if necessary during or after trial. This factor weighs in favor of denying leave to amend the Complaint.

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

Accordingly, the motion is DENIED.

6. [25-22792](#)-A-7 **IN RE: HARMAN GREWAL**
[25-2120](#) [FEC-1](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT
9-9-2025 [[1](#)]

KAUR V. GREWAL
RYAN WOOD/ATTY. FOR PL.

NO RULING.