



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

**Hearing Date: Wednesday, April 24, 2024**

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/RemoteAppearances>. 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. [23-12701](#)-B-13     **IN RE: LILIBETH LICONA**  
[JGD-1](#)

MOTION TO CONFIRM PLAN  
3-16-2024    [[38](#)]

LILIBETH LICONA/MV  
JOHN DOWNING/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                 Granted, Continued, or Denied without prejudice.

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

Lilibeth Licona ("Debtor") moves for an order confirming the *First Amended Chapter 13 Plan* dated March 16, 2024. Doc. #38. No plan has been confirmed in this case so far.

The 36-month Amended Plan proposes the following terms:

1. Debtor's payments will be as follows:
  - a. \$95.00 per month for months 1-2.
  - b. \$350.00 per month for months 3-36.
2. Outstanding Attorney's fees in the amount of \$0.00 to be paid through the plan, with Debtor's counsel having been paid \$4,500.00 prepetition and electing to comply with LBR 2016-1(c). The original plan stated that Debtor's counsel had been paid only \$1,500.00 with \$0.00 to be paid through the plan, but counsel did not select either of the options under Section 3.05 of the Plan.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
  - a. Subaru Motors Finance (Class 1, PMIS). \$5,311.00 for a 2019 Subaru Crosstrek at 6.33% interest to be paid at \$325.00 per month. Nonstandard Provision 7 (3.08) states that Debtor has already made 2 payments of \$505 directly to Subaru, and payments at \$325.00 per month are to be made until the claim is paid in full.
  - b. US Bank Home Mortgage (Class 4, Mortgage on Debtor's residence). \$1,658.00 to be paid directly by Debtor.1
4. A dividend of 10% to unsecured creditors.

Doc. #40.

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

On March 26, 2024, Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The plan payment is only \$350.00 per month for months 3-36. During that time, the plan proposes to pay \$359.15 per month for Debtor's payments to Subaru Motors Finance (once Trustee compensation and expense are added it). Trustee is amenable to correcting this in an order raising the plan payment to \$359.15 per month for months 3-36.
2. Debtor's counsel failed to make an election in Section 3.05 of the original plan. Pursuant to Local Rule 2016-1(d), debtor's counsel will need to file a motion for fees pursuant to LBR 2016-(b) (3)

Doc. #53.

On April 18, 2024, Debtor filed a reply to the Trustee's Objection stating:

1. Debtor avers that Debtor has directly paid \$1,010.0 to "Chase" for the Subaru loan, with "Chase" being the entity who filed the Proof of Claim covering the vehicle, though the creditor is not referred to by that name in the Amended Plan. See POC 5-1. Debtor further avers that, with a monthly dividend \$325 beginning in month 3, the "Chase claim" should be paid in full by month 20.
2. Debtor argues that, per the Amended Plan, Debtor paid \$4,500.00 for fees earned prior to filing and counsel chose to be compensated under LBR 2016(c), which does not require a fee application for compensation. Debtor does not address the fact that the original plan stated that counsel had received only \$1,500.00 prepetition and that no option for compensation was selected.

Doc. #47

This matter will be called as scheduled to determine if the Debtor's response resolves the Trustee's objection to as to the Creditor with the auto claim. The fee issue is resolved under LBR 2016-1 (d).

Counsel irrevocably selected to be compensated through motion under LBR 2016-1 (b). Accordingly, counsel must apply for fees and the restrictions on use of the fees until court approval applies. Modification of the election can only be accomplished by motion under FRCP 60 (FRBP 9024)

If the Trustee is satisfied concerning the auto claim, the motion will be GRANTED. If not, the motion may be continued or denied.

2. [24-10407](#)-B-13     **IN RE: TONY/LILIA RIOS**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
4-8-2024    [[16](#)]

PETER BUNTING/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                    Overruled or Continued.

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

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Tony Torres Rios and Lilia Rios (collectively "Debtors") on February 23, 2024, under 11 U.S.C. § 1325(a)(1) on the following grounds:

The Trustee has not yet concluded the Meeting of the Creditors as Debtors failed to provide their 2023 tax returns by April 2, 2024. The continued meeting will be held on May 7, 2024. Debtors are required to appear and submit to an examination under oath. [11 U.S.C. § 343]. The Trustee may have further objections to the plan, based on the testimony of Debtors at the continued Meeting of the Creditors. This case is not ready to be confirmed. The Trustee will supplement this objection when the Trustee becomes aware of further issues regarding confirmation as is required by Congress under 11 U.S.C. § 1302(b)(2)(B).

Doc. #16. On April 10, 2024, Debtors filed a Response accompanied by the Declaration Martha L. Garcia, an employee of Debtors' counsel. Docs. ##19,20. Garcia declares that Debtors sent to counsel's office via email copies of their missing 2023 state and federal tax returns, which were then forwarded to the Chapter 13 Trustee's online portal on April 2, 2024. Doc. #20.

Unless this Objection is withdrawn, this matter will proceed as scheduled so that Trustee may confirm whether the tax returns have been provided as requested and whether Trustee requires further testimony at the continued meeting of creditors. If not, the objection will be OVERRULED. If further testimony is necessary, this objection may be continued to a date after the re-scheduled meeting of creditors.

3. [19-10708](#)-B-13     **IN RE: ANTONIO VENEGAS AND MARTHA JAIMES**  
[MHM-2](#)

CONTINUED HEARING RE: MOTION TO RECONVERT CASE FROM CHAPTER  
13 TO CHAPTER 7 HEARING  
11-17-2023    [[115](#)]

T. O'TOOLE/ATTY. FOR DBT.

NO RULING.

4. [19-10708](#)-B-13     **IN RE: ANTONIO VENEGAS AND MARTHA JAIMES**  
[TMO-7](#)

MOTION TO MODIFY PLAN  
2-20-2024    [[212](#)]

MARTHA JAIMES/MV  
T. O'TOOLE/ATTY. FOR DBT.  
T. O'TOOLE/ATTY. FOR MV.  
RESPONSIVE PLEADING

NO RULING.

5. [24-10509](#)-B-13     **IN RE: JESSICA ONTIVEROZ**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
4-8-2024    [[17](#)]

SUSAN HEMB/ATTY. FOR DBT.

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

DISPOSITION:       Continued to May 29, 2024, at 9:30 a.m.

ORDER:                The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Jessica M. Ontiveroz ("Debtor") on March 1, 2024, on the following grounds:

1. Debtor and Debtor's Counsel were unable to appear at the 341 Meeting of Creditors on April 2, 2024, due to a scheduling conflict. The meeting was continued to May 7, 2024.
2. The attorney fee monthly dividend will need to be reduced to \$41.66 per month and Nonstandard Provision to 3.06 will need to be struck.

Doc. #17.

This objection will be CONTINUED to **May 29, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the Trustee's objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the objection not later than **14 days**

**before the hearing.** The response shall specifically address each issue raised in Trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Trustee shall file and serve a reply, if any, by **7 days before the hearing.**

6. [23-12110](#)-B-13     **IN RE: JORGE/ZENIA CHAVEZ**  
[SL-2](#)

MOTION FOR COMPENSATION FOR SCOTT LYONS, DEBTORS ATTORNEY(S)  
3-21-2024    [[44](#)]

SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION:     Continued to May 29, 2024, at 9:30 a.m.

ORDER:             The court will issue an order.

Scott Lyons, Attorney at Law ("Applicant"), attorney for Jorge Chavez and Zenia Yvette Chavez ("Debtors"), requests compensation in the sum of **\$7,491.18** under 11 U.S.C. § 330 and § 331. Doc. #44. This amount consists of **\$6,230.50** in fees and **\$1,260.68** in expenses from June 19, 2023, through March 20, 2024. *Id.* This is Applicant's first fee application. *Id.* Applicant states that, in light of the prepetition retainer of \$1,513.00, filing fees of \$313.00, and credit report fees of \$74.00, totaling \$1,900.00 in prepetition fees and expenses, the total amount requested to be paid through the plan in this Application is **\$5,592.18**.

Debtors executed a statement of consent dated March 20, 2024, indicating that Debtors have read the fee application and approves the same. *Id.* § 9(7).

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and Fed. R. Bankr. P. ("Rule") 2002(a)(6). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered. 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, at least as to fees incurred.

No party in interest timely filed written opposition. Nevertheless, for the reasons outlined below, this Application will be CONTINUED to May 29, 2024, at 9:30 a.m.

Section 3.05 of the *Chapter 13 Plan* dated November 16, 2023, confirmed January 23, 2024, indicates that Applicant was paid \$1,513.00 prior to filing the case and, subject to court approval, additional fees of \$12,000.00 shall be paid through the plan upon court approval by filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, and Rules 2002, 2016-17. Docs. ##26, 41.

Applicant's firm provided **29.05** billable hours at the following rates, totaling **\$6,230.50** in fees:

<b>Professional</b>	<b>Rate</b>	<b>Billed</b>	<b>Total</b>
Scott Lyons	\$400.00	0.23	\$92.00
Louis Lyons	\$350.00	10.39	\$3,374.00
Sylvia Gutierrez, Legal Secretary	\$150.00	18.43	\$2,764.50
<b>Total Hours &amp; Fees</b>		<b>29.05</b>	<b>\$6,230.50</b>

Docs. ##44,46. Per the moving papers, Applicant also incurred **\$1,260.18** in expenses:

Postage	\$873.68
Filing Fees	\$313.00
Credit Reports	\$74.00
<b>Total Expenses</b>	<b>\$1,260.68</b>

*Id.* These combined fees and expenses total **\$7,491.18**.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" 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).

Applicant's services here included, without limitation: prepetition consultation and fact gathering; preparation of the petition, Schedules, and Form 22-C; Amendments to petitions or Schedules; 341 preparation and attendance; work on the 1st modified plan; claim administration and objections; motion practice; fee applications; case administration; and communication-correspondence. The court finds these services reasonable, actual, and necessary.

The court has reservations, however, about the request for expense reimbursement, specifically the request for \$873.68 for mailing expenses. According to the billing records, Applicant incurred \$493.12 in expenses for postage, stationery, and reproduction costs to serve Debtors' First Modified Chapter 13 Plan and \$380.56 in expenses for postage, stationery, and reproduction costs to serve the instant Fee Application. Doc. #46.

However, the Certificate of Service accompanying the First Modified Plan indicates that approximately 70 creditors were served via first class mail a total of 19 pages. *See Docs. ##24-28*. Likewise, the Certificate of Service accompanying the Fee Application indicates that approximately



78 creditors were served via first class mail a total of 17 pages. See Docs. ##44-47.

No party in interest timely filed written opposition and Debtor has consented to payment of the proposed fees. Doc. #44. Nevertheless, the court elects to CONTINUE this matter **to May 29, 2024, at 9:30 a.m.** No later than **fourteen (14) days** before the continued hearing date, Debtor's counsel shall submit evidence in the form of declaration(s) to justify the postage-related expenses. If Debtors' counsel fails to timely file such declaration(s), the court may reduce the award for expense reimbursement *sua sponte*.

7. [24-10613](#)-B-13 **IN RE: INEZ OAXACA**  
[LGT-1](#)

MOTION TO DISMISS CASE  
3-21-2024 [[11](#)]

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

DISPOSITION: Granted.

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

Chapter 13 trustee Lilian G. Tsang ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by Inez Oaxaca ("Debtor") that is prejudicial to creditors and 11 U.S.C. § 109(h) Debtor's failure to timely complete credit counseling. Doc. #11. Debtor did not oppose.

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). Therefore, the defaults of the above-mentioned parties in interest are entered. 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.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors.

Under 11 U.S.C. § 109(h), an individual is ineligible to be a debtor unless such individual has, during the 180-day period ending on the date of filing of the petition by such individual, received an

individual briefing from an approved nonprofit budget and credit counseling agency described in § 111(a).

The record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)). Debtor failed to set a plan for hearing with notice to creditors. Additionally, Debtor failed to timely complete credit counseling as required by 11 U.S.C. § 109(h), and therefore, Debtor is ineligible to be a chapter 13 debtor.

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

8. [24-10538](#)-B-13     **IN RE: RONALD MONTGOMERY**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
4-8-2024    [\[19\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION:         Continued to May 29, 2024, at 9:30 a.m.

ORDER:                The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Ronald Montgomery ("Debtor") on March 4, 2024, on the following grounds:

1. The Trustee has not yet concluded the Meeting of Creditors because Debtor failed to provide his 2023 tax returns in time. The 341 Meeting was continued, though the Objection erroneously says that the continued meeting will be held on April 23, 2023 [sic].

Doc. #19. On April 22, 2024, counsel for Debtor filed a Response stating that counsel forwarded a copy of Debtor's 2023 tax returns to Trustee on April 8, 2024. Doc. #22. However, the Response is not supported by any evidence or declaration, and the Trustee has not withdrawn the objection.

This objection will be CONTINUED to **May 29, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the Trustee's objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in Trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Trustee shall file and serve a reply, if any, by **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

9. [22-10348](#)-B-13     **IN RE: JESUS/VERONICA MONTANO**  
[NES-1](#)

MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ, DEBTORS  
ATTORNEY(S)  
3-20-2024    [\[35\]](#)

NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

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

Neil E. Schwartz ("Applicant"), attorney for Jesus and Veronica Montano ("Debtors"), requests interim compensation in the sum of \$7,156.50 under 11 U.S.C. § 330 and § 331. Doc. #35. This amount consists of \$6,737.50 in fees and \$419.00 in expenses from March 1, 2022, through March 11, 2024. *Id.* This is Applicant's first fee application. *Id.*

Debtors executed a statement of consent dated March 15, 2024, indicating that Debtors have read the fee application and approves the same. *Id.* § 9(7).

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) and Fed. R. Bankr. P. ("Rule") 2002(a)(6). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys. Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Section 3.05 of the *Chapter 13 Plan* dated March 3, 2022, confirmed May 10, 2022, indicates that Applicant was paid \$1,187.00 prior to filing the case and, subject to court approval, additional fees of \$15,000.00 shall be paid through the plan upon court approval by filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, and Rules 2002, 2016-17. Docs. ##6,22.

Applicant's firm provided 21.6 billable hours at the following rates, totaling **\$6,737.50** in fees:

<b>Professional</b>	<b>Rate</b>	<b>Billed</b>	<b>Total</b>
Neil Schwartz, Attorney	\$350.00	16.90	\$5,915.00
Paralegal ("J.L.")	\$175.00	4.70	\$822.50
<b>Total Hours &amp; Fees</b>		<b>21.6</b>	<b>\$6,737.50</b>

Docs. ##35,37. Applicant also incurred **\$117.93** in expenses:

Filing Fees	\$313.00
Other (Credit Report/Counseling)	\$106.00
<b>Total Expenses</b>	<b>\$419.00</b>

*Id.* These combined fees and expenses total **\$7,156.50**. After application of Debtors' prepetition retainer of \$1,500.00, Applicant seeks a final balance of **\$5,656.50**. Doc. #37. The court notes that Section 3.05 of the Plan states that Applicant was paid only \$1,187.00 prepetition, but the court will use the larger figure listed in the instant application.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" 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).

Applicant's services here included, without limitation: prepetition consultation and fact gathering; preparation of voluntary petition, schedules, and Form 22C; original plan, hearing, objections; 341 preparation and attendance; claim administration and claim objections; motions to dismiss; fee applications; and case administration. Docs. ##35,37. The court finds these services and expenses reasonable, actual, and necessary. No party in interest timely filed written opposition and Debtor has consented to payment of the proposed fees. Doc. #35.

Accordingly, this motion will be GRANTED. Applicant shall be awarded **\$6,737.50** in fees as reasonable compensation for services rendered and **\$419.00** in reimbursement of actual, necessary expenses on an interim basis under 11 U.S.C. § 330 and § 331. The total award requested is **\$7,156.50**. After application of the \$1,500.00 prepetition retainer, the chapter 13 trustee will be authorized to pay Applicant **\$5,656.50** through the confirmed plan for services and expenses from March 1, 2022, through March 11, 2024.

10. [20-10949](#)-B-13     **IN RE: JESSE XIONG AND MAI PHAN**  
[JDR-1](#)

MOTION FOR COMPENSATION FOR JEFFREY D. ROWE, DEBTORS  
ATTORNEY(S)  
3-22-2024    [[42](#)]

JEFFREY ROWE/ATTY. FOR DBT.

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

DISPOSITION:     Denied without prejudice.

ORDER:            The court will issue the order.

Jeffrey D. Rowe ("Applicant"), attorney for Jesse Xiong and Mai Doua Phan ("Debtors"), requests interim compensation under 11 U.S.C. § 330 and § 331. Doc. #35. The Application is accompanied by several exhibits which are attached directly to the Application in a single document. *Id.* There is no exhibit index. *Id.*

LBR 9004-2(d) requires (1) exhibits to be filed as a separate exhibit document, (2) an exhibit index stating the page number at which each exhibit is found within the exhibit document, and (3) use of consecutively numbered exhibit pages throughout the exhibit document, including any separator, cover, or divider sheets. Here, the exhibits are attached to the motion and do not contain an exhibit index. Doc. #35.

Also, while the Application was filed on 28-days' notice in accordance with ("LBR") 9014-1(f)(1), Debtors submitted a Declaration on April 9, 2024, well within the 28-days' notice period, which materially altered the relief requested. Doc. #51. While this alteration had the effect of *reducing* the amount of compensation sought, in light of the procedural defect pertaining to Debtors' exhibits, Debtors would be better served by refileing the Application rather than amending it via Declaration submitted on less than 28-days' notice.

For the above reasons, this motion will be DENIED WITHOUT PREJUDICE.

11. [23-11458](#)-B-13     **IN RE: TRAVIS COLBY AND KENDAL LOCHOWSKI**  
[FW-1](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL,  
P.C. FOR GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)  
3-26-2024    [[34](#)]

GABRIEL WADDELL/ATTY. FOR DBT.

NO RULING.

Fear Waddell, P.C. ("Applicant"), counsel for Travis Colby and Kendal Lochowski ("Debtors"), requests interim compensation under 11 U.S.C. § 330 and § 331 in the amount of **\$18,020.50** in fees and **\$25.17** in expenses from February 13, 2023, through March 15, 2024, for a total award of **\$18,045.67**. Doc. #35. This is Applicant's first fee

application. Upon review of the moving papers, certain issues raised concerns:

1. There appears to be an inconsistency in the filing as to how much Debtors paid Applicant prepetition. The combined fees and expenses as outlined in the billing records total **\$20,545.67**. But while the Plan and the Attorney Fee Disclosure Statement which accompanied the petition both say that Applicant was paid \$3,187.00 prepetition, the billing records attached as an Exhibit to the Application indicate that Applicant received only \$2,500.00 prepetition. *Compare Docs. ##1, 3 with Doc. #36*. If the \$2,500.00 retainer figure is used, Applicant is entitled to an award of **\$18,045.67** to be paid through the Plan. the amount of compensation sought in this Application. If the larger prepetition figure of \$3,187.00 is used, however, Applicant is only entitled to **\$17,358.67** (assuming the court finds the services and expenses to be appropriate).
2. Some of the specific billing entries and classifications seem, to the court's initial view, excessive.
  - a. The Applicant has billed 29.50 hours and \$8,002.00 for "Preparation of voluntary petition, schedules, and Form 22C," of which approximately 20 hours and at least \$6,698.00 were billed solely for work on the Means Test.
  - b. The Applicant has billed 21.50 hours and \$5,078.00 for "Independent Verification of Information," but from the billing records entries, the court is unsure of what time was actually spent for that purpose.
  - c. The Applicant has billed 7 hours and approximately \$956 just for the fee applications.
3. The Applicant seeks a total interim award of \$18,045.67 (out of a maximum of \$30,000.00 permitted under the confirmed plan) for what, to the court's eyes, appears to be a very straightforward Chapter 13 case, one in which Debtors are making direct payments on two mortgages, have \$23,654.97 in priority tax claims, and are paying a 29% dividend on \$174k in general unsecured creditors. The plan was filed on July 7, 2023, and confirmed without objection on August 21, 2023. Docs. ##3, 16. There were no objections to confirmation, no liens to be avoided, and no apparent issues of non-dischargeability. There are no disputed claims according to the schedules, and it has been over six months since the non-governmental claim deadline. Consequently, the court is unsure of what complexities exist in this case that could possibly justify an award of over \$18,000.00 at this point in the life of a five-year plan.
4. Though a co-Debtor has a business, it appears the business is not generating significant revenue such that it may impact the liquidation analysis or feasibility.

This matter will be called as scheduled so that Applicant can advise the court of what additional information can assuage the court's concerns and how much time Applicant will require to submit suitable declarations in support thereof.

12. [23-11658](#)-B-13     **IN RE: ORALIA MAYA**  
[PBB-2](#)

MOTION TO WAIVE SECTION 1328 CERTIFICATE REQUIREMENT, AND  
FOR APPOINTMENT OF REPRESENTATIVE AS TO DEBTOR  
3-25-2024    [32]

FLORENTINO MENDOZA/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.

On July 31, 2023, Oralia Maya ("Debtor" or "Decedent") filed a Chapter 13 petition in this case. Doc. #1. On December 12, 2023, less than five months later, Debtor died of natural causes. Docs. ##28-29. Decedent is survived by her former spouse, Florentino Mendoza ("Movant") who is also joint tenant with Decedent as to certain real property at 13364 Fern Street, Madera, California 93638 ("the Property"). Doc. #34. Movant avers that Juanita Godinez ("Godinez"), the daughter of Movant and Decedent, now lives in the Property and pays both the direct mortgage payment on the Property and the ongoing Chapter 13 Plan payment, which Movant avers is current. *Id.*

On March 25, 2024, Movant filed the instant *Motion to Waive Section 1328 Certificate Requirement and for Appointment of Representative as to debtor*. Doc. #32. Movant seeks an order (1) appointing Movant as the representative of Decedent; and (2) waiving the certification requirements for entry of discharge in this chapter 13 case to the extent that Movant can demonstrate an inability to provide such certifications. *Id.* The court notes that Debtor completed her Financial Management Court on August 7, 2023, and it was filed with the court after her death. Doc. #31.

No party in interest timely filed written opposition. Nevertheless, the hearing on this matter will proceed as scheduled for the reasons outlined below.

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

a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Upon the death of a debtor in a bankruptcy case that has not been closed, LBR 1016-1(a) provides that a notice of death shall be filed within sixty (60) days of the death of a debtor by counsel or the person intending to be appointed as the representative for or successor to a deceased debtor pursuant to Fed. R. Civ. P. ("Civ. Rule") 25(a) (Fed. R. Bankr. P. ("Rule") 7025). The notice of death shall be served on all other parties in interest, and a redacted copy of the death certificate shall be filed as an exhibit to the notice of death.

Here, Debtor passed away on December 12, 2023, and so the notice should have been served on or before February 12, 2024. It was not served until March 12, 2024. Doc. #28. The Declarations filed supporting the motion do not state why a Notice of Death was not filed and served within 60 days of death. The court will ask for clarification on this point at the hearing.

LBR 1016-1(b) permits the notice of death and requests for the following relief to be combined into a single motion for omnibus relief under Civ. Rule 18(a) (Rules 7018, 9014(c)):

- 1) Substitution as the representative for or successor to the deceased debtor in the bankruptcy case pursuant to Civ. Rule 25(a);
- 2) Continued administration of the case under chapter 13 pursuant to Rule 1016; and
- 3) Waiver of the post-petition education requirement for entry of discharge under 1328, including the post-petition education requirement under subsection (g).

Here, the notice of death and the instant motion were filed separately.

If a reorganization or individual's debt adjustment case is pending under chapter 13, Rule 1016 permits the case to proceed and be concluded in the same manner, so far as possible, as though the death had not occurred if two pre-requisites are met: (1) further administration is possible and (2) administration is in the best interest of all parties. Fed. R. Bankr. P. 1016. However, Rule 1016 also allows the case to be dismissed. *Id.*

Courts have held that chapter 13 cases do not need to be dismissed and may continue if (1) the debtor proposed a confirmable plan before the debtor's death; and (2) the plan is feasible after the debtor's death. *In re Perkins*, 381 B.R. 520, 537 (Bankr. S.D. Ill. 2007) (permitting further administration because it is both possible and in the best interests of parties); *In re Stewart*, 2004 Bankr. LEXIS 1042 (Bankr. D. Or. Mar. 2, 2004) (continued administration permitted if a personal representative is appointed and the confirmed plan is made current and paid through completion); *cf. In re Spider*, 232 B.R. 669, 674 (Bankr. N.D. Tex. 1999) (further administration deemed not possible because debtors' chapter 13 plan was not confirmed before death).

Here, the Debtor filed chapter 13 bankruptcy on July 31, 2023. Doc. #1. Debtor's *Chapter 13 Plan* dated July 31, 2023, confirmed September 20, 2023, provided for 59 monthly payments of \$820.00. Docs. ##3,17. The confirmed plan has the following relevant terms:



1. Class 2 (A)
  - a. Juanita Alicia Salazar (2nd Mortgage). \$24,617.83 owed on the Property at 1%. Monthly dividend of \$435.00.
  - b. Nissan Motor Acceptance. \$12,053.00 owed a 2019 Nissan Sentra SR at 9.09%. Monthly dividend of \$323.00.
2. Class 3 (surrender)
  - a. Driveway Finance Corp. Nissan Rogue.
3. Class 4
  - a. Select Portfolio Servicing Inc. (The Property) \$1,541.91 per month paid directly by Debtor.
4. Zero percent dividend to general unsecured creditors.
5. Attorneys' fee of \$4,000.00 to be paid through the plan.

Doc. #3. Movant declares that Godinez is now making the direct payments on the Property and also the monthly plan payment. Doc. #34. Movant further declares that Debtor completed her post-petition debtor education course and filed proof of same, that Debtor to the best of Movant's knowledge was not subject to a domestic support obligation, that Debtor had no felony convictions, and that completion of the Plan is necessary to prevent the foreclosure of the Property by the second mortgage holder.

Movant believes that he is the best person qualified to represent Decedent through the duration of this case.

It appears that the plan is currently on month 9 out of 59, and that the expected month of plan completion is November 2028. At the hearing, the court will inquire of the Trustee about the feasibility of the Plan going forward. The court is inclined to GRANT this motion provided that the issues raised in this ruling are satisfactorily resolved.

13. [24-10060](#)-B-13     **IN RE: JENNIFER GITMED**  
[LGT-1](#)

MOTION TO DISMISS CASE  
3-26-2024    [[22](#)]

LILIAN TSANG/MV  
HENRY NUNEZ/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to May 29, 2024 at 9:30 a.m.

ORDER:             The court will issue an order.

The trustee's motion to dismiss will be continued to May 29, 2024, at 9:30 a.m., to be heard in connection with the debtor's motion to confirm debtor's first modified plan. See, Docs. ##39-41; HDN-2.

14. [24-10466](#)-B-13     **IN RE: LEIGH/JACOB RAMIREZ**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
4-9-2024    [[13](#)]

SUSAN SILVEIRA/ATTY. FOR DBT.

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

DISPOSITION:        Withdrawn.

ORDER:              The court will issue an order.

On April 24, 2024, the Trustee withdrew the Objection to Confirmation in the above-styled case. Accordingly, the Objection is WITHDRAWN.

15. [23-11268](#)-B-13     **IN RE: MELISSA JOHNSON**  
[LGT-1](#)

MOTION TO DISMISS CASE  
3-22-2024    [[69](#)]

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

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

DISPOSITION:        Granted.

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

The chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c) (1) for unreasonable delay by Melissa Johnson ("Debtor") that is prejudicial to creditors and 11 U.S.C. § 1307(c) (4) Debtor's failure to continue to make timely plan payments. Doc. #69. Debtor did not oppose.

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

This motion was set for hearing on 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.

The record shows that there has been unreasonable delay by the Debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)). Debtor has failed to confirm a plan (Docs. ## 52, 68) and failed to provide the Trustee with required documentation, specifically the Authorization to Release Information. Debtor also failed to make all payments due under the plan (11 U.S.C. § 1307(c)(4)). Debtor is delinquent in the amount of \$1,000.00. Doc. #71. Before this hearing, another payment of \$2,300.00 will also come due. *Id.*

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay.

In addition, the trustee has reviewed the schedules and determined that the Debtor's assets are over encumbered and are of no benefit to the estate. Because there is no equity to be realized for the benefit of the estate, dismissal is in the best interests of creditors and the estate. Doc. #69.

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

16. [24-10473](#)-B-13      **IN RE: HILDA CAMPOS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
4-4-2024    [[21](#)]

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 OSC.

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.

17. [19-14491](#)-B-13     **IN RE: COLLIN WALTON AND CHELSEA ATKINSON**  
[JDR-1](#)

MOTION FOR COMPENSATION FOR JEFFREY D. ROWE, DEBTORS  
ATTORNEY(S)  
3-22-2024    [[45](#)]

JEFFREY ROWE/ATTY. FOR DBT.

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

DISPOSITION:     Denied without prejudice.

ORDER:            The court will issue the order.

Jeffrey D. Rowe ("Applicant"), attorney for Jesse Xiong and Mai Doua Phan ("Debtors"), requests interim compensation under 11 U.S.C. § 330 and § 331. Doc. #45. The Application is accompanied by several exhibits which combined with the Application in a single document. *Id.* There is no exhibit index. *Id.*

LBR 9004-2(d) requires (1) exhibits to be filed as a separate exhibit document, (2) an exhibit index stating the page number at which each exhibit is found within the exhibit document, and (3) use of consecutively numbered exhibit pages throughout the exhibit document, including any separator, cover, or divider sheets. Here, the exhibits are attached to the motion and do not contain an exhibit index. Doc. #45.

Accordingly, this Application will be DENIED WITHOUT PREJUDICE.

18. [24-10098](#)-B-13     **IN RE: LIANZO/YOLANDA GONZALEZ**  
[TCS-1](#)

MOTION TO CONFIRM PLAN  
3-6-2024    [[34](#)]

YOLANDA GONZALEZ/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

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

Lianzo Rodriguez Gonzalez and Yolanda Vargas Gonzalez ("Debtors") seek an order confirming the *First Modified Chapter 13 Plan* dated October 4, 2023. Doc. #16. The previous plan was filed on January 19, 2024, and confirmed on March 7, 2024. Docs. ##12,41. The instant modified plan was actually filed one day before the prior plan was confirmed. Doc. #36. The First Modified Plan proposes to alter the confirmed plan as follows:

1. The modified plan proposes to change the dollar amount listed for Class 5 Unsecured Priority Claims from \$5,838.00 to \$0.00. Debtors aver that the earlier figure was listed in error, the result of the

outstanding attorneys' fees from Section 3.06 erroneously being listed as a priority debt.

2. The modified plan proposes to alter the Class 7 distribution (nonpriority unsecured claims) from a 1.13% distribution based on estimated total claims of \$156.00 to a 1% distribution based on estimated total claims of \$13,821.00.

*Compare Docs. #12 and #36.* The motion is accompanied by Declarations from Debtors and Debtors' counsel averring the reasons for the modification and a copy of their most recent Schedule I&J demonstrating their ability to make the monthly plan payment. Docs. #37-38.

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

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

11:00 AM

1. [21-10523](#)-B-7    **IN RE: ZARINA ROSENFELD**  
[23-1018](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT  
2-17-2023    [[1](#)]

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

NO RULING.

2. [23-11332](#)-B-11    **IN RE: TWILIGHT HAVEN, A CALIFORNIA**  
NON-PROFIT CORPORATION  
[23-1042](#)    [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
10-12-2023    [[1](#)]

TWILIGHT HAVEN, A CALIFORNIA  
NON-PROFIT CORPORATIO V. FUDGE  
RILEY WALTER/ATTY. FOR PL.  
DISMISSED 3/12/24

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

DISPOSITION:        Concluded. Dropped from calendar.

ORDER:                The court will prepare the order.

On March 12, 2024, this adversary proceeding was dismissed. Accordingly, the status conference is concluded and will be dropped from the calendar.

3. [23-10457](#)-B-11 **IN RE: MADERA COMMUNITY HOSPITAL**  
[23-1024](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
5-11-2023 [[1](#)]

RUBIO V. MADERA COMMUNITY  
HOSPITAL  
EILEEN GOLDSMITH/ATTY. FOR PL.

**After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.**

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

DISPOSITION: Continued to June 20, 2024, at 11:00 a.m.

ORDER: The court will prepare the order.

On April 17, 2024, the Plaintiff submitted a Status Report advising the court that the parties in this adversary have scheduled a mediation for June 4, 2024. The parties propose to file a status update by June 11, 2024, following the mediation. Accordingly, this matter is hereby CONTINUED to June 20, 2024, at 11:00 a.m. The Plaintiff shall file an updated Status Report on or before June 12, 2024.