



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, May 7, 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.

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

1. [24-13300](#)-A-13 **IN RE: MICHAEL/MIRIAM BIAS**
[TCS-2](#)

MOTION TO VACATE DISMISSAL OF CASE
4-22-2026 [\[136\]](#)

MIRIAM BIAS/MV
PETER BUNTING/ATTY. FOR DBT.
DISMISSED 4/17/2026

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether a further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This chapter 13 bankruptcy was filed on November 12, 2024 by chapter 13 debtors, Michael Bias and Miriam Wanda Bias (together, "Debtors"). Doc. #1. On March 6, 2026, the chapter 13 trustee ("Trustee") filed a notice of default and intent to dismiss case for a material default by Debtors with respect to the terms of their confirmed plan ("Notice"). Doc. #128. Specifically, Trustee sought dismissal of Debtors' bankruptcy case because Debtors were delinquent in their plan payments. Id. Pursuant to the Notice, Debtors were required to cure the delinquency in the amount of \$12,600.00 by April 15, 2026 or take other required actions. Id. Doc. #128. Debtors did not respond to the Notice or timely cure the plan payment default. Doc. #130. An order dismissing Debtors' bankruptcy case was entered on April 17, 2026. Order, Doc. #132.

On April 22, 2026, Debtors filed a motion to vacate the dismissal of their bankruptcy case ("Motion to Vacate"). Doc. #136. In the Motion to Vacate, Debtors state the failure to make their plan payments was due to their motor carrier permits not being renewed in their trucking business causing them to get behind at the end of the year with respect to their business and their plan payments. Decl. of Miriam Wanda Bias, Doc. #138. Because Debtors changed their trucking company from an LLC to a sole proprietorship, their motor carrier permits did not renew, which caused them to look like a brand new carrier business that affected their ability to maintain contracts with carriers. Id. Since February 2026, Debtors have been working furiously to catch up on the missed income. Id. When Debtors received the Notice, Debtors believed they could catch up on the missing plan payments prior to dismissal of their bankruptcy case. Id. Debtors made two payments, but one payment was not credited prior to the dismissal of the case. Id. Debtors understand that April's payment will also be due if the dismissal is vacated and are prepared to make that payment to bring their case current. Id.

The legal basis for the relief sought in the Motion to Vacate is Federal Rule of Civil Procedure ("Rule") 60(b), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 9024. Rule 60(b) permits the court to grant relief from a final order for, *inter alia*, mistake, inadvertence, surprise, excusable neglect, or any other reason that justifies relief. Rule 60(b)(1), (6). A motion to reconsider an order is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." Kona Enters. v. Estate of Bishop, 299 F.3d 877, 890 (9th Cir. 2000); see also Berman v. Freedom Fin. Network, LLC, 30 F.4th 849 (9th Cir. 2022) (applying the standard to Rule 60(b)).

This determination is "an equitable one, taking account of all relevant circumstances surrounding the party's omission." Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 395 (1993). The factors to consider include: (1) danger of prejudice to the debtor; (2) length of delay and potential impact on judicial proceedings; (3) reason for the delay, including whether it was in the movant's control; and (4) whether the party acted in good faith. Id.

With respect to the first Pioneer factor, the court finds that there will be prejudice to Debtors if the court does not vacate the dismissal of Debtors' bankruptcy case because Debtors would have to start the bankruptcy process over again. Debtors were in bankruptcy for seventeen (17) months when their case was dismissed. Not vacating the dismissal of Debtors' bankruptcy case will prolong Debtors receiving a discharge. This factor favors vacating the dismissal order.

With respect to the second Pioneer factor, the court finds that the delay between dismissal and the Motion to Vacate is minimal. The order dismissing Debtors' case was entered on April 17, 2026, and Debtors' Motion to Vacate was filed on April 22, 2026. This factor favors vacating the dismissal order.

With respect to the third and fourth Pioneer factors, Debtors contend that they received notice of the Notice and attempted to bring their plan payments current but the last payment did not clear before their case was dismissed. Bias Decl., Doc. #138. Should the court grant the Motion to Vacate, Debtors have the necessary funds on hand to ensure they are current in plan payments. Id.; Exs. A & B, Doc. #139. These factors also favor vacating the dismissal order.

Accordingly, pending opposition being raised at the hearing, the court will GRANT the Motion to Vacate. The order vacating the dismissal of Debtors' chapter 13 bankruptcy case will be without prejudice to those parties in interest who acted in good faith relying on the dismissal.

2. [26-10702](#)-A-13 **IN RE: JASON/TRISTIN MARTIN**
[JRL-1](#)

MOTION TO VALUE COLLATERAL OF EDUCATIONAL EMPLOYEES CREDIT UNION
4-1-2026 [\[18\]](#)

TRISTIN MARTIN/MV
JERRY LOWE/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 movants have done here.

Jason Lee Martin and Tristin Kay Martin (together, "Debtors"), the debtors in this chapter 13 case, move the court for an order valuing Debtors' Genesis G70, VIN: KMTG34LA0MU072267 ("Vehicle"), which is the collateral of Educational Employees Credit Union ("Creditor"), at \$19,000.00. Doc. #18.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value 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 910-day 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 where the debtor is an individual in a chapter 13 case, 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).

Debtors assert the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Tristin Kay Martin, Doc. #20. Debtors assert a replacement value of the Vehicle of \$19,000.00 and ask the court for an order valuing the Vehicle at \$19,000.00. Id. Debtors are competent to testify as to the value of the Vehicle. The Vehicle is currently encumbered with a security

claim from Creditor in the amount of \$21,077.31. Claim 2. Given the absence of contrary evidence, Debtors' 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 \$19,000.00. 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.

3. [26-10702](#)-A-13 **IN RE: JASON/TRISTIN MARTIN**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
4-13-2026 [[25](#)]

JERRY LOWE/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

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

Jason Lee Martin and Tristin Kay Martin (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on February 23, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) a motion to value the collateral of Educational Employees Credit Union ("Creditor") needs to be filed in order for Trustee to determine whether Debtors' Plan is feasible; (2) Debtors need to provide Trustee with their most recent filed taxes; and (3) the 341 meeting of creditors has not been concluded. Doc. #25.

Trustee filed a supplemental objection stating that the 341 meeting of creditors has now concluded and all documents requested by Trustee have now been received. Doc. #28. Debtors filed a motion to value the collateral of Creditor and set the motion for hearing on May 7, 2026. Doc. #18. The court has granted that motion by final ruling. See calendar matter #2 above. It appears that all outstanding issues raised in Trustee's objection to confirmation have been resolved.

Accordingly, unless withdrawn prior to the hearing, this objection to confirmation will be OVERRULED.

MOTION TO EXTEND AUTOMATIC STAY
4-20-2026 [[10](#)]

KIRK BRIGGS/MV
SIMRAN HUNDAL/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order 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. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with LBR 9014-1(d)(3)(B)(iii), which requires the notice to advise respondents that they can determine whether the matter has been resolved without oral argument or whether the court has issued a tentative ruling by viewing the court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing, and that parties appearing telephonically must view the pre-hearing dispositions prior to the hearing. 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.

Debtor Kirk David Briggs ("Debtor") moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B). Doc. #10.

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 26-11057 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on March 13, 2026 and dismissed on March 31, 2026 for Debtor's failure to timely file required documents. Case No. 26-11057, Doc. ##1, 10. 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 9, 2026. Petition, Doc. #1. As a result of the court's order continuing the hearing, the automatic stay will terminate in the present case on May 9, 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 the Prior Case was dismissed for Debtor's failure to timely file required documents. A review of the court's docket in the Prior Case disclosed no chapter 13 plan or schedules were filed and the court sent out a notice of incomplete filing and notice of intent to dismiss case if documents are not timely filed (the "Notice") on March 17, 2026, and the court dismissed the Prior Case because Debtor failed to comply with the Notice. See Case No. 26-11057, Doc. ##7, 10. Debtor acknowledges that the Prior Case was dismissed for failure to file required documents. Decl. of Kirk David Briggs, Doc. #12.

In support of this motion to extend the automatic stay, Debtor declares that the failure to file the required documents was due to Debtor representing himself in the Prior Case, and Debtor did not understand the requirements of filing a bankruptcy case. Briggs Decl., Doc. #12. Debtor is now represented by counsel and understands what is needed to file a feasible chapter 13 plan along with all relevant documents. Id. Debtor filed a proposed plan on April 22, 2026. Doc. #15. Debtor's Schedules I and J filed in this case list monthly income of \$6,439.62 and expenses of \$2,235.00, resulting in monthly net income of \$4,204.82 of which Debtor proposes to apply \$4,047.00 to plan payments in this case. Schedules I and J, Doc. #16; Plan, Doc. #15.

The court is inclined to find that Debtor's reasoning for delinquent payments in the Prior Case rebuts the presumption of bad faith that arose from the failure to perform the terms of a confirmed plan in the Prior Case and that Debtor's petition commencing this case was filed in good faith. Further, there is reason to conclude that this case will result in a confirmed plan that will be fully performed.

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED and the automatic stay extended for all purposes as to those parties that received notice of Debtor's motion (see Doc. #10), unless terminated by further order of the court.

5. 25-13604-A-13 **IN RE: OLGA WRIGHT**
LGT-2

MOTION TO DISMISS CASE
4-3-2026 [33]

LILIAN TSANG/MV
JERRY LOWE/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

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

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #33. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) file a modified plan; (2) set a hearing to confirm the modified plan with notice to creditors; and (3) make payments due under the plan. As of April 2, 2026, monthly plan payments are delinquent in the amount of \$7,330.50. While this motion is pending, further plan payments will come due. In addition to the delinquency amount, the debtor must also make the monthly plan payment of \$2,466.10 for April 25, 2026. Doc. #33. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to file a modified plan and set a hearing to confirm that plan on notice to creditors. Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed 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. #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, and the case dismissed.

6. [26-10806](#)-A-13 **IN RE: RACHEL/JEMAL EVERETT**
[FAT-1](#)

MOTION TO VALUE COLLATERAL OF AMERICREDIT FINANCIAL SERVICES, INC.
DBA GM FINANCIAL
3-29-2026 [16]

JEMAL EVERETT/MV
FLOR DE MARIA TATAJE/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 movants have done here.

Rachel Sanchez Everett and Jemal A. Everett (together, "Debtors"), the debtors in this chapter 13 case, move the court for an order valuing Debtors' 2020 Chevrolet Traverse, VIN: 1GNEVHKW4LJ314005 ("Vehicle"), which is the collateral of Americredit Financial Services, Inc. dba GM Financial ("Creditor"), at \$10,254.00. Doc. #19.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value 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 910-day 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 where the debtor is an individual in a chapter 13 case, 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).

Debtors assert the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Debtors, Doc. #19. Debtors assert a replacement value of the Vehicle of \$10,254.00 and ask the court for an order valuing the Vehicle at \$10,254.00. Id. Debtors are competent to testify as to the value of the Vehicle. The Vehicle is currently encumbered with a security claim from Creditor in the amount of \$10,254.00. Claim 1. Given the absence of contrary evidence, Debtors' 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 \$10,254.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

7. [26-10806](#)-A-13 **IN RE: RACHEL/JEMAL EVERETT**
[FAT-2](#)

MOTION TO VALUE COLLATERAL OF FIRST TECH FEDERAL CREDIT UNION
3-29-2026 [[20](#)]

JEMAL EVERETT/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

8. [26-10806](#)-A-13 **IN RE: RACHEL/JEMAL EVERETT**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-9-2026 [[28](#)]

LILIAN TSANG/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.

NO RULING.

9. [26-10816](#)-A-13 **IN RE: CELIA CAMPUZANO LOPEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-10-2026 [[15](#)]

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

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

DISPOSITION: Continued to June 11, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Celia Campuzano Lopez ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on February 27, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) Debtor needs to provide verification of home insurance, (2) an amended Schedule C needs to be filed to provide an actual dollar amount for all exemptions, and (3) Debtor needs to provide 2025 tax returns. Doc. #15.

This objection will be continued to June 11, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 28, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by June 4, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 4, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

10. [25-13419](#)-A-13 **IN RE: GURLAL BARA**
[JRL-4](#)

MOTION TO CONFIRM PLAN
4-2-2026 [[56](#)]

GURLAL BARA/MV
JERRY LOWE/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

11. [25-11923](#)-A-13 **IN RE: IRIS MURILLO**
[PK-1](#)

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

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

NO RULING.

12. [21-10125](#)-A-13 **IN RE: JOEL/ARACELI ALVARADO**
[LGT-1](#)

MOTION TO DISMISS CASE
4-2-2026 [[64](#)]

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtors to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the debtors 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) and (c)(8) for the failure of the debtors to make all payments to creditors under the plan. Doc. #64. Specifically, the debtors' chapter 13 petition was filed on January 20, 2021. Doc. #1. The debtors proposed a 60-month plan. Doc. #64. Month 60 was January 2026. Id. As of April 2, 2026, the total claims filed in the debtors' bankruptcy case require an aggregate payment of \$218,314.30, and the debtors have only paid \$193,760.00 in plan payments. Id. Therefore, the remaining claims, plus trustee compensation, that need to be paid pursuant to the plan total \$24,554.30. Id. The debtors did not oppose the motion.

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) and (c)(8) for failure of the debtors to complete the terms of the confirmed plan.

According to the order confirming the plan, the chapter 7 liquidation test required that priority and general unsecured creditors receive a combined total of \$40,366.50. Order, Doc. #48. A review of the debtors' Schedules A/B, C and D shows that the debtors had non-exempt equity in three vehicles, two four-wheeler vehicles, and a boat. Doc. #1. Because the value of these assets has depreciated during the five years that the debtors have been in bankruptcy, the court finds that dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

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

13. [26-10127](#)-A-13 **IN RE: ESTEVAN/DIANA PEREZ**
[DS-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY AMERIHOM MORTGAGE
COMPANY LLC
2-10-2026 [23]

AMERIHOM MORTGAGE COMPANY LLC/MV
BENNY BARCO/ATTY. FOR DBT.
DANIEL SINGER/ATTY. FOR MV.

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 debtors filed a first amended plan on April 15, 2026 (BDB-2, Doc. #42), with a motion to confirm the modified plan set for hearing on May 21, 2026 at 9:30 a.m. Doc. ##39-43.

14. [26-10827](#)-A-13 **IN RE: ENACIO/MARY AZEVEDO**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-10-2026 [12]

LILIAN TSANG/MV
SIMRAN HUNDAL/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

This objection to confirmation was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition

is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Enacio Michael Azevedo and Mary Rocha Azevedo (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on February 27, 2026. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtors need to increase the amount provided to general unsecured creditors. Doc. #12.

Specifically, the Plan incorrectly asserts a secured vehicle loan deduction on Form 122C-2 owed by U.S. Bank in regards to a 2022 Ford Edge. Doc. #12. By using the correct claim amount, the current monthly disposable income should be \$622.56 per month and would total \$37,353.60 to be paid to general unsecured creditors over the 60-month plan. Id. However, the Plan only provides \$24,643.00 to general unsecured creditors. Id. Trustee requests Debtors file an amended plan that provides the required \$37,353.60 to general unsecured creditors which would be a 34% dividend to class 7 claim holders. Id.

Because a new plan must be filed to resolve this objection, the court is inclined to sustain the objection rather than continue the hearing on Trustee's objection to confirmation to allow a response from Debtors.

Accordingly, pending any opposition at the hearing, the objection will be SUSTAINED.

15. [25-13930](#)-A-13 **IN RE: MINERVA MARTINEZ**
[LGT-2](#)

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

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

NO RULING.

16. [26-10730](#)-A-13 **IN RE: CHRISTOPHER MARTIN**
[KMM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY US BANK NATIONAL ASSOCIATION
3-27-2026 [[15](#)]

US BANK NATIONAL ASSOCIATION/MV
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION: Continued to June 11, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Christopher Lynn Martin ("Debtor") filed a voluntary petition under chapter 13 on February 24, 2026 along with a chapter 13 plan ("Plan") on March 13, 2026. Doc. ##1, 10. U.S. Bank National Association as Trustee for NRZ Inventory Trust as serviced by New Rez LLC dba Shellpoint Mortgage Servicing ("Creditor") objects to confirmation of the Plan because (1) the Plan understates the arrearage of Creditor's secured claim, and (2) if Creditor's claim is fully provided for, the Plan will not fund. Doc. #15.

This objection will be continued to June 11, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 28, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Creditor shall file and serve a reply, if any, by June 4, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 4, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

17. [26-10730](#)-A-13 **IN RE: CHRISTOPHER MARTIN**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-10-2026 [\[19\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Continued to June 11, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Christopher Lynn Martin ("Debtor") filed a voluntary petition under chapter 13 on February 24, 2026 along with a chapter 13 plan ("Plan") on March 13, 2026. Doc. ##1, 10. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) an amended schedule C needs to be filed to provide a specific dollar amount and use the correct exemption scheme; (2) absent an objection to the proof of claim for creditor Shellpoint Mortgage ("Creditor"), the Plan does not properly provide for Creditor's arrears or provide for the correct amount of monthly mortgage payments; (3) Debtor is delinquent in plan payments in the amount of \$5,000.00; (4) Debtor has failed to provide any of the required documents including, but not limited to (a) proof of identification, (b) proof of social security number, (c) pay advices for the 60 days prior to filing, (d) 2024 tax returns, (e) business questionnaire, (f) profit and loss statements; and (5) the 341 meeting of creditors has not concluded. Doc. #19. Debtor's 341 meeting of creditors has been continued to May 7, 2026 at 1:00 p.m. See court docket entry entered on April 8, 2026.

This objection will be continued to June 11, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than May 28, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or

undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by June 4, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 4, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

18. [26-10133](#)-A-13 **IN RE: VIRGIL/SUZANNE TUMANENG**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
2-25-2026 [[14](#)]

MARK NELSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

19. [24-13435](#)-A-13 **IN RE: TONY LUNA**
[JRL-1](#)

MOTION TO MODIFY PLAN
4-2-2026 [[37](#)]

TONY LUNA/MV
JERRY LOWE/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.

20. [26-10835](#)-A-13 **IN RE: SONIA/RICARDO VIGIL**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-10-2026 [[16](#)]

LILIAN TSANG/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

The trustee withdrew the objection on May 4, 2026. Doc. #19.

21. [26-10746](#)-A-13 **IN RE: ANJEANETTE FRANCO**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-10-2026 [[22](#)]

LILIAN TSANG/MV
CASE DISMISSED 4/23/26

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 23, 2026. Doc. #26.
Therefore, this objection to confirmation is OVERRULED AS MOOT.

22. [25-14347](#)-A-13 **IN RE: RYAN/AMANDA CRAIN**
[SLL-2](#)

MOTION TO CONFIRM PLAN
3-30-2026 [[39](#)]

AMANDA CRAIN/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)(1). The
failure of creditors, the U.S. Trustee, or any other party in interest to file

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

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

23. [25-14254](#)-A-13 **IN RE: ERIKA VARDANYAN**
[LGT-1](#)

MOTION TO DISMISS CASE
3-13-2026 [19]

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

NO RULING.

24. [26-10359](#)-A-13 **IN RE: LUCIA MATA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-10-2026 [26]

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

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Lucia Rodrigues Mata ("Debtor") filed a voluntary petition under chapter 13 on January 29, 2026 along with a chapter 13 plan ("Plan") on February 12, 2026. Doc. ##1, 16. The chapter 13 trustee ("Trustee") objected to confirmation of the Plan Doc. #26. The court continued this matter to May 7, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by April 23, 2026; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by April 30, 2026. Order, Doc. #30.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Trustee's objection. Debtor has not filed,

served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

25. [25-11061](#)-A-13 **IN RE: ARNULFO MUNOZ-GONZALES**
[NSV-4](#)

CONTINUED MOTION TO CONFIRM PLAN
12-31-2025 [[94](#)]

ARNULFO MUNOZ-GONZALES/MV
NIMA VOKSHORI/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

26. [26-10462](#)-A-13 **IN RE: SANTIAGO RAMIREZ BETERAN AND NORMA BETERAN**
[SRB-3](#)

MOTION TO CONFIRM PLAN
4-3-2026 [[52](#)]

NORMA BETERAN/MV
JOAQUIN NOLET/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on April 13, 2026. Doc. #58.

27. [25-14167](#)-A-13 **IN RE: GILBERT COTA**
[LGT-2](#)

MOTION TO DISMISS CASE
3-31-2026 [[25](#)]

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

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on April 28, 2026. Doc. #36.

28. [26-10467](#)-A-13 **IN RE: MICHALE HEAGEY SEPRISH**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-9-2026 [[25](#)]

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.

29. [26-10467](#)-A-13 **IN RE: MICHALE HEAGEY SEPRISH**
[LGT-1](#)

MOTION TO DISMISS CASE
3-26-2026 [[21](#)]

LILIAN TSANG/MV

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

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

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #21. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) set a plan for

hearing as required by the Order Extending Time to File Missing Documents; (2) provide Trustee with required documents; (3) file a complete plan (Sections 3.12 and 3.14 are blank); and (4) commence making payments due under the plan. As of March 26, 2026, payments are delinquent in the amount of \$500.00. While this motion is pending, further payments will come due. In addition to the delinquency amount, the debtor must also make the monthly plan payment of \$500.00 for April 25, 2026. Doc. #21. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

Because this bankruptcy case is subject to dismissal for the debtor's failure to pay her filing fees and because the debtor does not list any unsecured creditors, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

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

30. [25-14173](#)-A-13 **IN RE: HERNAN CORTEZ**
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
3-30-2026 [\[24\]](#)

EXETER FINANCE LLC/MV
SCOTT LYONS/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

The movant, Exeter Finance LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2008 Mercedes-Benz CLS550, VIN: WDDDJ72X08A129918 ("Vehicle"). Doc. #24.

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the loan matured on July 13, 2021 and as of March 18, 2026, the entire balance of \$20,380.93 is in default. Decl. of Nancy Wafer, Doc. #27; Ex. E, Doc. #30.

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

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because the loan matured on July 13, 2021 and the Vehicle is a depreciating asset.

31. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY
3-16-2026 [[508](#)]

SYLVIA NICOLE/MV

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied in part and denied without prejudice in part.

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

This matter was set for hearing on at least 28 days' notice prior to the hearing date as required by LBR 9014-1(f)(1). Los Banos Transport & Towing ("Towing") filed timely written opposition on April 23, 2026. Doc. #512. For the reasons set forth below, this request is DENIED WITHOUT PREJUDICE for improper notice as to the City of Los Banos Police Department ("City"). The request is DENIED as to Towing because the request is duplicative of the relief sought by the movant against Towing in Nicole v. Los Banos Transport & Towing, Adv. Proc. No. 25-1020 ("Adversary Proceeding").

Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires a motion for sanctions for violation of the automatic stay to be served "in the manner provided for service of a summons and complaint by Rule 7004." Service of the motion on City does not satisfy Rule 7004(b)(6).

Rule 7004(b)(6) provides that to serve a governmental organization "(A) the summons and complaint must be mailed to the person or office that, under the law of the state where service is made, is authorized to receive service in a

case filed against that defendant in that state's courts of general jurisdiction; and (B) if there is no such authorized person or office, the summons and complaint must be mailed to the defendant's chief executive officer[.]” Fed. R. Bankr. P. 7004(b) (6). Here, the summons and complaint are the notice of motion and motion.

Under California law, service upon a city or municipality in California is governed by California Code of Civil Procedure § 416.50 as follows:

- (a) A summons may be served on a public entity by delivering a copy of the summons and of the complaint to the clerk, secretary, president, presiding officer, or other head of its governing body.
- (b) As used in this section, “public entity” includes the state and any office, department, division, bureau, board, commission, or agency of the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in this state.

Cal. Civ. Proc. Code § 416.50 (emphasis added).

Service of the motion in this matter was made by first class mail to the City of Los Banos Police Department, but was not served upon the clerk, secretary, president, presiding officer or other head of its governing body as required under C.C.P. § 416.50. See Doc. #510. Accordingly, service of the motion on City does not comply with Rule 7004(b) (6), and the matter is DENIED WITHOUT PREJUDICE as to City.

As a further procedural matter, the pleadings filed by the movant did not include a separate motion setting forth with particularity the factual and legal grounds for that relief as required by Local Rule of Practice (“LBR”) 9014-1(d) (3) (A). Doc. #508.

As a further procedural matter, the pleadings filed by the movant do not comply with LBR 9014-1(c). “In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions.” LBR 9014-1(c) (1). “Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number.” LBR 9014-1(c) (4). See LBR 9004-2(b) (6). Here, the movant did not include a Docket Control Number on her pleadings.

As a further procedural matter, notice of this motion was sent by mail on March 13, 2026, with an amended notice sent on May 4, 2026 that moved the hearing date from May 7, 2026 to May 28, 2026. Doc. #513. However, LBR 9014-1(j) requires court approval for the continuance of a hearing. The movant did not seek court approval for continuing the hearing on this motion.

By this motion, debtor Sylvia Nicole (“Debtor”) seeks, among other things, sanctions for violation of the automatic stay as to Towing. Doc. #508. By the Adversary Proceeding, Debtor seeks sanctions against Towing for the same violation of the automatic stay. Adv. Proc. No. 25-1020, Doc. #1.

“District courts retain broad jurisdiction to control their dockets[.]” Adams v. Cal. Dep’t of Health Servs., 487 F.3d 684, 688 (9th Cir. 2007), overruled on other grounds by Taylor v. Sturgell, 553 U.S. 880, 904 (2008).

"After weighing the equities of the case, the district court may exercise its discretion to dismiss a duplicative later-filed action, to stay that action pending resolution of the previously filed action, to enjoin the parties from proceeding with it, or to consolidate both actions." Id. (citations omitted).

To determine whether a suit is duplicative, the court borrows the test for claim preclusion. Adams, 487 F.3d at 688. Specifically, the court examines "whether the causes of action and relief sought, as well as the parties or privies to the action, are the same." Id. at 689.

Here, Debtor seeks relief as to City and Towing in this motion and only seeks the same relief as to Towing in the Adversary Proceeding. Thus, this motion is not wholly duplicative of the Adversary Proceeding.

However, the court will dismiss this motion as to Towing after weighing the equities of the case. The Adversary Proceeding and this motion assert identical claims for relief against Towing. Debtor first sued Towing for the alleged violation of the automatic stay on July 12, 2023. Adv. Proc. No. 23-1029, Doc. #1. Towing was subsequently severed from the initial lawsuit, and there is a pre-trial conference scheduled in the Adversary Proceeding for May 21, 2026. Adv. Proc. No. 23-1029, Doc. #172; Adv. Proc. No. 25-1020, Doc. #24.

Accordingly, Debtor's motion is DENIED WITHOUT PREJUDICE as to City and DENIED as to Towing as duplicative of the relief sought by Debtor against Towing in the Adversary Proceeding.

32. [25-21680](#)-A-13 **IN RE: ALIAYA PARKER**
[CYB-3](#)

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

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

NO RULING.

33. [25-21680](#)-A-13 **IN RE: ALIAYA PARKER**
[CYB-5](#)

OBJECTION TO CLAIM OF INTERNAL REVENUE SERVICE, CLAIM NUMBER 7
3-30-2026 [[126](#)]

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

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to claim is OVERRULED AS MOOT. The creditor filed an amended proof of claim on April 21, 2026.

34. [26-10281](#)-A-13 **IN RE: SHANIA FLAGG**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
2-25-2026 [[12](#)]

GABRIEL LIBERMAN/ATTY. FOR DBT.
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. #33.
Therefore, this objection to confirmation is OVERRULED AS MOOT.

35. [26-10281](#)-A-13 **IN RE: SHANIA FLAGG**
[SKI-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY SANTANDER BANK N.A.
3-2-2026 [[15](#)]

SANTANDER BANK N.A./MV
GABRIEL LIBERMAN/ATTY. FOR DBT.
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. #33.
Therefore, this objection to confirmation is OVERRULED AS MOOT.

36. [26-10084](#)-A-13 **IN RE: FRANCISCO MARTINEZ AND ADELA SANCHEZ**
[LGT-1](#)

MOTION TO DISMISS CASE
3-27-2026 [[23](#)]

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

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtors to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the debtors 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 ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtors that is prejudicial to creditors. Doc. #23. Specifically, Trustee asks the court to dismiss this case for the debtors' failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) set a plan for hearing with notice to creditors; (3) provide Trustee with required documents; (4) accurately file schedules and/or statements; and (5) commence making payments due under the plan. As of March 27, 2026, plan payments are delinquent in the amount of \$800.00. While this motion is pending, further monthly plan payments will come due. In addition to the delinquency amount, the debtors must also make the monthly plan payment of \$400.00 for April 25, 2026. Doc. #23. The debtors did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtors that is prejudicial to creditors because the debtor failed to appear at the scheduled 341 meeting of creditors and failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtors have failed to make all payments due under the plan.

A review of the debtors' Schedules A/B, C and D shows that there is no equity in the debtors' assets after considering secured claims and the debtors' claimed exemptions. Doc. #19. Because there is no non-exempt equity in the debtors' assets to be realized for the benefit of the estate if the debtors' 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, and the case dismissed.

37. [24-23586](#)-A-13 **IN RE: JON NEWTON**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
2-20-2026 [[92](#)]

DAVID CUSICK/MV
MICHAEL REID/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on April 28, 2026. Doc. #115.

38. [24-23586](#)-A-13 **IN RE: JON NEWTON**
[WLG-4](#)

MOTION TO MODIFY PLAN
3-24-2026 [[101](#)]

JON NEWTON/MV
MICHAEL REID/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

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

The certificate of service showing that the motion and supporting documents were served on all parties in interest (Doc. #107) does not comply with Local Rule of Practice 9004-1(c), which requires that all certifications shall be signed by the person offering the evidentiary material contained in the document. Here, the name of the person signing the certificate of service was typed on the Certificate of Service Form, but the Certificate of Service Form is not signed. Because a signed certificate of service was not filed, this court cannot confirm that notice of the motion was proper. Therefore, this motion is denied without prejudice.

39. [25-26886](#)-A-13 **IN RE: BRENDOLYNN CHAMPLAIE**
[GO-2](#)

MOTION TO CONVERT CASE FROM CHAPTER 13 TO CHAPTER 7 AND/OR MOTION TO
DISMISS CASE
4-9-2026 [[84](#)]

RCVI GROUP INC./MV
PETER MACALUSO/ATTY. FOR DBT.
GIOVANNI ORANTES/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued 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.

RCVI Group Inc. ("Creditor") moves the court for an order converting the chapter 13 case of debtor Brendolynn Champlaie ("Debtor") to chapter 7 pursuant to 11 U.S.C. §1307(d) or, alternatively, dismiss the case with a bar to filing another case under any chapter for 180-days. Doc. #84. Creditor believes there is cause for conversion or dismissal because Debtor has committed unreasonable delay that is prejudicial to creditors by failing to commence making timely payments and the denial of confirmation of Debtor's plan. Doc. #84.

Debtor filed a first amended modified plan on April 22, 2026 (PGM-2, Doc. #95), with a motion to confirm the modified plan set for hearing on May 28, 2026 at 9:30 a.m. Doc. ##91-96. On April 23, 2026, Debtor opposed Creditor's motion stating that a motion to confirm an amended plan has been filed under which Debtor is current. Doc. #99.

On April 30, 2026, Creditor replied to Debtor's opposition stating that the proposed plan does not fully provide for Creditor's claim. Doc. #102. Creditor requests if the court is not inclined to grant the instant motion, the motion be continued to be heard with Debtor's motion to confirm. Id.

Based on Creditor's response to Debtor's opposition, the court will continue the hearing on this motion to May 28, 2026 at 9:30 a.m. to be heard with the hearing on Debtor's motion to confirm plan (PGM-2). Doc. ##91-96.

40. [26-10087](#)-A-13 **IN RE: MARI RUB-FERRELL**
[LGT-4](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
3-17-2026 [[42](#)]

LILIAN TSANG/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 objection to exemption is OVERRULED AS MOOT.

41. [25-13288](#)-A-13 **IN RE: JOSE LOPEZ-LOPEZ AND BLANCA LOPEZ**
[SL-2](#)

CONTINUED MOTION TO CONFIRM PLAN
2-4-2026 [[55](#)]

BLANCA LOPEZ/MV
SCOTT LYONS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This motion to confirm is OVERRULED AS MOOT. The debtors filed a second amended plan on March 27, 2026 (SL-3, Doc. #70), with a motion to confirm that plan set for hearing on May 7, 2026 at 9:30 a.m. (matter #42 below). Doc. ##66-71.

42. [25-13288](#)-A-13 **IN RE: JOSE LOPEZ-LOPEZ AND BLANCA LOPEZ**
[SL-3](#)

MOTION TO CONFIRM PLAN
3-27-2026 [[66](#)]

BLANCA LOPEZ/MV
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

43. [25-21289](#)-A-13 **IN RE: MELINDA WARD**
[BLG-4](#)

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

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

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

DISPOSITION: Continued to June 11, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(2). Joseph M. Cunningham ("Creditor") objects to confirmation of the modified chapter 13 plan ("Plan") because (1) the Plan fails to pay Creditor's oversecured claim in full, and (2) the Plan fails to pay the applicable prime plus interest rate, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #135. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the Plan exceeds the maximum length of 60 months, (2) the debtor has failed to make Plan payments, and (3) the debtor has failed to provide documents to Trustee. Doc. #142.

Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's and Trustee's objections to confirmation are withdrawn, the debtor shall file and serve a written response to any outstanding opposition no later than May 28, 2026. The response shall specifically address each issue raised in the objections to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Creditor and/or Trustee shall file and serve a reply, if any, by June 4, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 4, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Creditor's and/or Trustee's opposition without a further hearing.

44. [25-21289](#)-A-13 **IN RE: MELINDA WARD**
[DPC-3](#)

CONTINUED AMENDED MOTION TO DISMISS CASE
2-27-2026 [[114](#)]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to June 11, 2026 at 9:30 a.m.

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

Because the debtor has filed an amended plan to address the issues raised in
the trustee's motion to dismiss, the trustee's motion to dismiss will be
continued to June 11, 2026 at 9:30 a.m. to be heard with the continued hearing
on the debtor's motion to modify plan (BLG-4). Doc. ##117-123.

45. [23-24291](#)-A-13 **IN RE: ISRAEL GABRIEL AND LAUREN EVANSON-GABRIEL**
[MET-1](#)

CONTINUED MOTION TO MODIFY PLAN
2-10-2026 [[61](#)]

LAUREN EVANSON-GABRIEL/MV
MARY TERRANELLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Israel Gabriel and Lauren Marie Evanson-Gabriel (together, "Debtors") filed and
served this motion to modify their chapter 13 plan pursuant to Local Rule of
Practice 3015-1(d)(2) and set that motion for hearing on March 12, 2026.
Doc. ##61-69. On February 16, 2026, Debtors filed an amended notice of hearing
continuing the hearing on the motion for to modify the plan from March 12,
2026, at 9:30 a.m. to March 26, 2026 at 9:30 a.m. Doc. ##68, 72. The chapter 13
trustee ("Trustee") filed an objection to Debtors' motion to modify the
chapter 13 plan. Tr.'s Opp'n, Doc. #73. The court continued this matter to
May 7, 2026 and ordered Debtors to file and serve a written response to
Trustee's objection by April 23, 2026; or if Debtors elected to withdraw this
plan, then Debtors had to file, serve, and set for hearing a confirmable
modified plan by April 30, 2026. Order, Doc. #81.

Having reviewed the docket in this case, the court finds Debtors have not
voluntarily converted this case to chapter 7 or dismissed this case, and
Trustee's objection has not been withdrawn. Further, Debtors have not filed and
served any written response to Trustee's objection. Debtors have not filed,

served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Debtors' motion to confirm their modified chapter 13 plan is DENIED on the grounds set forth in Trustee's opposition.

46. [25-24791](#)-A-13 **IN RE: MARCOS LOPEZ**
[TLA-1](#)

MOTION TO MODIFY PLAN
3-31-2026 [18]

MARCOS LOPEZ/MV
THOMAS AMBERG/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 ("Trustee") timely filed non-opposition to this motion. See Non-Opp'n, Doc. ##25, 31. 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.

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.

47. [24-24793](#)-A-13 **IN RE: FELICIA BROWN**
[CRG-2](#)

MOTION TO MODIFY PLAN
3-26-2026 [[41](#)]

FELICIA BROWN/MV
CARL GUSTAFSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to June 11, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(2). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the modified chapter 13 plan ("Plan") because: (1) the Plan does not reflect the actual amount of plan payments that the debtor has already paid, (2) the Plan is not feasible to pay the attorneys' fees listed in the Plan, (3) the proposed Plan pays general unsecured creditors 13% but Trustee has already dispersed more than that to general unsecured creditors, and (4) a certificate of service needs to be filed to show that the debtor's amended schedules I and J were served. Tr.'s Opp'n, Doc. #47.

Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than May 28, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by June 4, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 4, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

48. [25-13193](#)-A-13 **IN RE: ERIN STEVENSON**
[LGT-3](#)

MOTION TO DISMISS CASE
4-2-2026 [[86](#)]

MATTHEW DECAMINADA/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The court will issue the order.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtor to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). 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 debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(4) because the debtor has failed to make all payments due under the plan. The debtor is delinquent in plan payments in the amount of \$5,430.50. Doc. #86. Before this hearing, another monthly plan payment in the amount of \$2,715.25 will 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)(4) because the debtor has failed to timely make 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. #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, this motion will be GRANTED. The case will be dismissed.

49. [25-13193](#)-A-13 **IN RE: ERIN STEVENSON**
[MJD-4](#)

CONTINUED MOTION TO CONFIRM PLAN
2-18-2026 [\[71\]](#)

ERIN STEVENSON/MV
MATTHEW DECAMINADA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The court is granting the trustee's motion to dismiss [LGT-3] above. Therefore, this motion to confirm plan [MJD-4] is OVERRULED AS MOOT.

50. [25-25796](#)-A-13 **IN RE: JONATHAN CLINE**
[DPC-2](#)

MOTION TO DISMISS CASE
4-7-2026 [[52](#)]

DAVID CUSICK/MV
JESSICA GALLETTA/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to June 11, 2026 at 9:30 a.m.

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

The trustee's motion to dismiss will be continued to June 11, 2026 at 9:30 a.m.
to be heard in connection with the hearing on the debtor's motion to confirm
plan (GLF-6). Doc. ##56-60.

11:00 AM

1. [25-10233](#)-A-7 **IN RE: GERARDO CLAVEL CARTAGENA**
[25-1018](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
5-6-2025 [[1](#)]

LOPEZ, SR. V. CLAVEL CARTAGENA ET AL
S. COLIN BROWN/ATTY. FOR PL.
VACATED PER ECF ORDER #25

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This pre-trial conference was vacated on March 26, 2026. Doc. #25.

2. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[23-1029](#) [LBB-7](#)

MOTION TO MODIFY SCHEDULING ORDER
3-27-2026 [[226](#)]

NICOLE V. AMERICAN AUTOMOBILE ASSOCIATION OF NORTHERN CALIFORNIA
MARIA GARCIA/ATTY. FOR MV.

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 certificate of service filed with the court showing when the motion was served. Therefore, the motion filed by the defendant does not comply with Local Rule of Practice 9014-1(e)(3), which requires that proof of service of all pleadings be filed with the court not more than three (3) days after the pleading is filed with the court. Because there is no certificate of service filed with the motion (Doc. #226), the court cannot determine whether parties were served properly.

3. [23-24596](#)-A-7 **IN RE: TIMOTHY ADKINS**
[24-2027](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
3-26-2024 [[1](#)]

ADKINS V. ADKINS
AMEY ADKINS/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

4. [23-24596](#)-A-7 **IN RE: TIMOTHY ADKINS**
[24-2027](#) [CAE-2](#)

ORDER TO SHOW CAUSE
4-3-2026 [[52](#)]

ADKINS V. ADKINS

NO RULING.