



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

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

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

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

Please also note the following:

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

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

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

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

## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

9:30 AM

1. [25-10011](#)-B-12     **IN RE: CARL/PATRICIA SOUSA**  
[FW-6](#)

MOTION TO CONFIRM CHAPTER 12 PLAN  
4-8-2025    [\[84\]](#)

PATRICIA SOUSA/MV  
PETER FEAR/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 attaching the confirmed Plan as an exhibit. The Trustee and Tri-Counties Bank's counsel to approve form of order.

Carl and Patricia Sousa ("Debtors") seek an order confirming the *Chapter 12 Plan* dated April 2, 2025. Docs. ##83-84. The five-year plan proposes the following treatment of administrative claims and creditor claims:

Class	Description	Treatment
Class 1	Administrative Claims, including Debtors' attorney fees and Chapter 12 Trustee fees.	To be paid through Trustee or directly by Debtors, as the order approving Class 1 claims provides. Attorneys' fees estimated at \$50,000.00 above the pre-filing retainer paid by Debtors. Any attorneys' fees still owing after case completion will be non-dischargeable.
Class 2	Real Property Taxes owed to Kings County. An amount estimated to be less than \$15,000.00 that is fully secured by lien on Debtors' real property.	Debtor will pay any past due property taxes in full on or before the Effective Date.
Class 3	Tri-Counties Bank (First Claim). An outstanding balance of not less than \$567,209.88 secured by an agricultural agreement between this creditor and Debtors. This claim is fully secured by farm assets.	This claim shall be modified as follows: (1) the claim shall bear interest at the Till Rate after the Effective Date of the Plan, (2) the claim shall be paid in monthly installments fully amortized over 84 months following the

		Effective Date, (3) payments on the claim shall begin in the month following the Effective Date, (4) the claim shall be paid in full no later than the date that is 84 months following the first month after the Effective Date, (5) the claimholder shall maintain its claim and its liens until the claim has been paid in full, (6) once the claim has been paid in full, the claimholder shall release its lien, as required by state law, and (7) for the first 60 months after the Effective Date, the payment shall be paid through the Chapter 12 Trustee, after which Debtor shall make the payment directly to the claimholder.
Class 4	Tri-Counties Bank (Second Claim). An outstanding balance of not less than \$751,117.44 secured by an agricultural agreement between this creditor and Debtors. This claim is fully secured by farm assets.	The proposed treatment of this claim is identical to the one proposed for Class 3.
Class 5	Kubota Credit Corporation. Claim No. 9 in the amount of \$14,258.92, secured by a security interest in a 2023 Tractor Kubota M6S-111SHD VIN KBUMJBD RTP1E53479	This claim is unmodified by the Plan.
Class 6	Technology Credit Union. Claim No. 3 in the amount of \$33,345.02, secured by a UCC financing statement filed November 16, 2022, for solar panels and equipment.	The Class 6 Claim shall be modified as follows: (1) the claim shall bear interest at the Till Rate after the Effective Date of the Plan, (2) the claim shall be paid in monthly installments fully amortized over 60 months following the Effective Date, (3) payments on the claim shall begin in the month following the Effective Date, (4) the claim shall be paid in full no later than the date

		that is 60 months following the first month after the Effective Date, (5) the claimholder shall maintain its claim and its liens until the claim has been paid in full, and (6) once the claim has been paid in full, the claimholder shall release its lien, as required by state law.
Class 7	Tri Counties Bank (Third Claim). An outstanding balance of \$515,484.32, secured by Debtors' real property located at 8675 23rd Ave., Lemoore, California.	This claim is unmodified by the Plan.
Class 8	Tri Counties Bank (Fourth Claim). An outstanding balance of \$507,479.12, secured by Debtors' real property comprised of 149 acres in Stratford, California (including Debtors' milking barn).	This claim is unmodified by the Plan.
Class 9	U.S. Small Business Administration. An outstanding balance of \$161,301.26 through an EIDL loan secured by a UCC financing statement filed May 29, 2020.	This claim is unmodified by the Plan.
Class 10	BMW North America. An outstanding balance (estimated by Debtor) of \$40,000.00.	This claim is unmodified by the Plan.
Class 13	Unsecured Priority Claims. Estimated at \$518.86.	To be paid in full.
Class 14	Unsecured Non-priority Claims. An estimated total of \$254,789.67.	To be paid in full after payment of all higher priority claims.

Doc. #83. The Debtors will fund the plan through the continued operation of their dairy farm post-confirmation. *Id.*

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion,

the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest has filed an objection, and the defaults of all non-responding parties are entered. This motion will be GRANTED.

The requirements for confirmation of a Chapter 12 plan are outlined in 11 U.S.C. § 1225(a)-(b). The six requirements of § 1225(a) apply to all plans. The requirements of § 1225(b) are only applicable where the trustee or the holder of an allowed unsecured claims objects to confirmation. In the absence of any such objection, only the § 1225(a) requirements need be considered at this time, those being:

- (1) the plan complies with the provisions of this chapter [11 USCS §§ 1201 et seq.] and with the other applicable provisions of this title;
- (2) any fee, charge, or amount required under chapter 123 of title 28 [28 USCS §§ 1911 et seq.], or by the plan, to be paid before confirmation, has been paid;
- (3) the plan has been proposed in good faith and not by any means forbidden by law;
- (4) the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of this title [11 USCS §§ 701 et seq.] on such date;
- (5) with respect to each allowed secured claim provided for by the plan—
  - (A) the holder of such claim has accepted the plan;
  - (B)
    - (i) the plan provides that the holder of such claim retain the lien securing such claim; and
    - (ii) the value, as of the effective date of the plan, of property to be distributed by the trustee or the debtor under the plan on account of such claim is not less than the allowed amount of such claim; or
  - (C) the debtor surrenders the property securing such claim to such holder;
- (6) the debtor will be able to make all payments under the plan and to comply with the plan; and
- (7) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition

if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.

11 U.S.C. § 1225(a). Based on the moving papers it appears that all these requirements have been met. There is no opposition to confirmation by the Trustee nor any unsecured creditor.

Accordingly, 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.

2. [23-10457](#)-B-11     **IN RE: MADERA COMMUNITY HOSPITAL**  
[PSJ-56](#)

OMNIBUS OBJECTION TO CLAIMS  
3-28-2025    [[2119](#)]

NICHOLAS RUBIN/MV  
RILEY WALTER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled as to the Hurst claim.

DISPOSITION:                Sustained except as to the Hurst claim.

ORDER:                        The minutes of the hearing will be the court's findings and conclusions. Order preparation determined at the hearing.

Nicholas Rubin ("Rubin" or "the Liquidating Trustee"), Liquidating Trustee of the Liquidating Trust in the above-styled Chapter 11 bankruptcy case, pursuant to 11 U.S.C. 502, Fed. R. Bankr. Pro. 3007, and Local Bankruptcy Rule ("LBR") 3007-1, objects to the claims against debtor Madera Community Hospital ("Debtor" or "MCH") identified in the **Exhibit 1** attached to the objection. Doc. #2017. Exhibit 1 lists seven (7) creditors to whose claims the Liquidating Trustee objects on the grounds that the claims contain insufficient information because, in each case, the claimant failed to include or attach any information or documentation to constitute prima facie evidence of the validity and amount of the claims as required by Bankruptcy Rule 3001. Docs. ## 2119-22, #2127, and #2127.

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(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 sustaining of the objection. *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.

On April 17, 2025, Christopher Hurst ("Hurst"), one of the creditors whose claims the Rubin seeks to have disallowed, filed a pro se *Response*. Doc. #2143. Hurst's proof of claim asserts a claim for \$100,000.00, and purports to be based on "Personal Injury/Unfair Discrimination." POC #315-2. The proof of claim does not provide any accompanying documentation as to the nature and basis of Hurst's claim. *Id.* Hurst's claim is listed in Debtor's Schedule F as a non-priority unsecured claim in the amount of \$0.00 and marked as contingent, unliquidated, and disputed. Doc. #544 (Schedule F, Line 3.4).

To the best of the court's knowledge, there has not been any judicial determination of the validity of Hurst's claim. Hurst has not filed an adversary proceeding either to challenge the dischargeability of this disputed, unliquidated debt or even an adversary that seeks to determine the validity and value of his alleged debt (even assuming this court had jurisdiction over a personal injury/medical malpractice claim). Debtor's first meeting of creditors was set for April 17, 2023, and so the deadline to file an adversary proceeding against the Debtor contesting dischargeability ran out on June 17, 2023, nearly two years ago, without action from Hurst.

On May 2, 2025, the Liquidating Trustee, through counsel, filed a *Reply* to Hurst's *Response*. Doc. #2155. The Liquidating Trustee argues that Hurst's *Response*, like his proof of claim, is not sufficiently documented to overcome the Objection. *Id.* The *Reply* further states that Hurst has resisted all efforts by counsel for the Liquidating Trustee to obtain information about the claim under the theory that all his personal medical information is protected by HIPAA. *Id.* The *Reply* reiterates the Liquidating Trustee's position that Hurst's proof of claim fails to include sufficient information to provide prima facie evidence of the validity, existence, and amount of his claim against the Debtor and should be disallowed on that basis. *Id.*

No other parties in interest have responded to this objection, and the defaults of all non-responding parties are entered.



11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute *prima facie* evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (B.A.P. 9th Cir. 2000).

The objecting party may overcome a proof of claim's presumptive validity only by offering evidence of equally probative value in rebutting the evidence offered by the proof of claim. *Ashford v. Consolidated Pioneer Mortgage (In re Consolidated Pioneer Mortgage)*, 178 B.R. 222, 226-27 (B.A.P. 9th Cir. 1995, *aff'd* 91 F.3d 151 (9th Cir. 1996)). With such an objection, the burden shifts back to the claimant to produce evidence meeting the objection and establishing the claim. *Consolidated Pioneer*, 178 B.R. at 226 (quoting *In re Allegheny Internat'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)).

[\*In re Lindsay\*, Nos. 05-26719-D-13L, PGM-1, 2006 Bankr. LEXIS 3354, at \\*4-5 \(Bankr. E.D. Cal. Dec. 1, 2006\)](#)

As the Reply notes:

Mr. Hurst's proof of claim (the "Claim") asserts a \$100,000 general unsecured claim for "Personal Injury/Unfair Discrimination." The only documentation provided in support of the Claim is a single page from the Debtor's Schedules of Assets and Liabilities, which lists Mr. Hurst as holding a contingent, unliquidated and disputed claim in the amount of \$0.00. The Response provides no additional information or documentation substantiating the Claim amount or describing Mr. Hurst's asserted injuries. Rather, the Response merely lists generic categories of alleged damages (i.e., "medical expenses," "lost earnings," "future lost income," "estimated future medical expenses," "pain and suffering," "loss of ability to enjoy life," and "loss of consortium") without any explanation, breakdown, or evidentiary support. Mr. Hurst contends that he cannot corroborate his asserted damages because all related documents and information (including bills, invoices, receipts or even a general description of his asserted injuries) constitute privileged health information.

Doc. #2155 (Reply in Support of Objection).

This Objection was brought pursuant to this court's August 29, 2024, *Order Approving (A) Procedures for Filing Omnibus Objections to Claims*

and (B) the Form and Manner of Notice of Omnibus Objection ("the Omnibus Order"). Doc. #2002. By this Objection, the Liquidating Trustee seeks the disallowance and expungement of all claims not supported by sufficient evidence to establish a prima facie case for the validity of the debt in their entirety. Doc. #2119. The Objection will be SUSTAINED as to all creditors listed in Exhibit 1, except for Hurst, as follows:

1. Mustajeeb Haseeb, POC #84-1
2. Canon Financial Services, Inc., POC #11-1
3. Cyril Rebe, POC #315-2
4. eClinicalWorks, LLC, 129-1
5. Khalid Rauf, 68-1
6. Mohammad Ashraf, 266-1

This matter will proceed as scheduled with regard to the POC #315-2 filed by Christopher Hurst in order to provide Hurst with an opportunity to present more evidence to establish the prima facie validity of his claim.

3. [23-10457](#)-B-11      **IN RE: MADERA COMMUNITY HOSPITAL**  
[PSJ-57](#)

OMNIBUS OBJECTION TO CLAIMS  
3-28-2025    [[2123](#)]

NICHOLAS RUBIN/MV  
RILEY WALTER/ATTY. FOR DBT.

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

DISPOSITION:      Sustained.

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

Nicholas Rubin ("Rubin" or "the Liquidating Trustee"), Liquidating Trustee of the Liquidating Trust in the above-styled Chapter 11 bankruptcy case, pursuant to 11 U.S.C. 502, Fed. R. Bankr. Pro. 3007, and Local Bankruptcy Rule ("LBR") 3007-1, objects to the claims against debtor Madera Community Hospital ("Debtor" or "MCH") identified in the **Exhibit 1** attached to the objection. Doc. #2017. Exhibit 1 lists one (1) creditor to whose claims the Liquidating Trustee objects on the grounds that the claims are duplicative of earlier-filed claims. Docs. ##21-23 et seq.

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(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 sustaining of the objection. *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.

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

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute *prima facie* evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (B.A.P. 9th Cir. 2000).

This Objection was brought pursuant to this court's August 29, 2024, *Order Approving (A) Procedures for Filing Omnibus Objections to Claims and (B) the Form and Manner of Notice of Omnibus Objection* ("the Omnibus Order"). Doc. #2002. By this Objection, the Liquidating Trustee seeks the disallowance and expungement of all duplicative claims in their entirety. Doc. #2021 *et seq.*

It is axiomatic that a creditor may file a proof of claim but cannot file multiple proofs of claim seeking recovery for the same debt. 11 U.S.C.S. § 501(a).

Here, Debtor has identified a single creditor, Argo Partners [as assignee of BELIMED, INC. ("Argo"), which has filed two proofs of claim at separate times for the same amounts. Doc. #2126 (*Exhib. 1*); see POC #26-1 and POC #209-1. The court has reviewed the two proofs of claim, and it appears that the later-filed proof of claim is identical to the earlier one.

It appears to the court that the two claims listed in Exhibit 1 accompanying the Objection represent duplicated claims. No party in interest has objected. This Objection will be SUSTAINED, and the following proofs of claim will be disallowed as duplicative:

1. Argo Partners [as assignee of BELIMED, INC.], POC #209-1.

4. [23-10457](#)-B-11      **IN RE: MADERA COMMUNITY HOSPITAL**  
[PSJ-58](#)

OMNIBUS OBJECTION TO CLAIMS  
3-28-2025    [[2129](#)]

NICHOLAS RUBIN/MV  
RILEY WALTER/ATTY. FOR DBT.

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

DISPOSITION:      Sustained.

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

Nicholas Rubin ("Rubin" or "the Liquidating Trustee"), Liquidating Trustee of the Liquidating Trust in the above-styled Chapter 11 bankruptcy case, pursuant to 11 U.S.C. 502, Fed. R. Bankr. Pro. 3007, and Local Bankruptcy Rule ("LBR") 3007-1, objects to the claims against debtor Madera Community Hospital ("Debtor" or "MCH") identified in the **Exhibit 1** attached to the objection. Doc. #2017. Exhibit 1 lists creditors to whose claims the Liquidating Trustee objects on the grounds that the claims have been amended by later-filed claims. Docs. ##2129-37 *et seq.*

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(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 sustaining of the objection. *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.

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

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute *prima facie* evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (B.A.P. 9th Cir. 2000).

This Objection was brought pursuant to this court's August 29, 2024, *Order Approving (A) Procedures for Filing Omnibus Objections to Claims and (B) the Form and Manner of Notice of Omnibus Objection* ("the Omnibus Order"). Doc. #2002. By this Objection, the Liquidating Trustee seeks the disallowance and expungement of claims which were amended and superseded by later-filed claims by the same claimants. Doc. #2133 (Declaration of Nicholas Rubin).

It is axiomatic that a creditor may file a proof of claim but cannot file multiple proofs of claim seeking recovery for the same debt. 11 U.S.C.S. § 501(a).

Here, Debtor has identified a three (3) creditors who have each filed proofs of claim which were superseded by later-filed amended claims. Doc. #2132 (*Exhib. 1*); see *Claims Register generally*. One of those creditors, Suzanna Leon, filed a proof of claim (POC #166) which was amended twice, and Debtor seeks to disallow all but the final iteration of the claim, POC #166-4. *Id.* The court has reviewed the relevant proofs of claim, and it appears that the later-filed proofs of claim represent superseding amended claims. Accordingly, it is proper that the earlier claims be disallowed.

No party in interest has objected. This Objection will be SUSTAINED, and the following proofs of claim will be disallowed on the grounds that they were superseded by later-filed claims:

1. Areli Santillan [Areli E. Santillan], POC #118-1, superseded by POC #162-1.
2. Alexcia Guerrero, POC #196-1, superseded by POC #253-1.
3. Suzanna Leon, POC #166-1, superseded by POC #166-4.
4. Suzanna Leon, POC #166-2, superseded by POC #166-4.
5. Suzanna Leon, POC #166-3, superseded by POC #166-4.

1:30 PM

1. [25-10600](#)-B-7     **IN RE: CHRISTOPHER YONDA**  
[PFT-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING OF CREDITORS  
4-1-2025    [\[16\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION:     Conditionally denied.

ORDER:             The court will issue the order.

Chapter 7 trustee Peter L. Fear ("Trustee") seeks dismissal of this case for the debtor's failure to appear and testify at the § 341(a) meeting of creditors held on March 31, 2025. Doc. #15.

Christopher N. Yonda ("Debtor") timely opposed. Doc. #18. Debtor's attorney appeared at the March 31, 2025, meeting of creditors. It appears from Debtor's response there was a mix up as to the date and/or time Debtor was to appear. Debtor will be present for the continued meeting.

This motion to dismiss will be CONDITIONALLY DENIED.

Debtor shall attend the meeting of creditors rescheduled for June 12, 2025, at 3:00 p.m. See, Doc. #16. If Debtor fails to appear and testify at the rescheduled meeting, Trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

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

2. [25-10224](#)-B-7     **IN RE: SETH HAZDOVAC**  
[KEH-1](#)

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

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

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

DISPOSITION:     Concluded and dropped from calendar.

ORDER:             The court will issue an order.

An Order Approving Stipulation was entered on April 25, 2025, granting Movant, Balboa Thrift & Loan, relief from the automatic stay. Doc. #23. The motion will be CONCLUDED and DROPPED from the calendar.

3. [25-11028](#)-B-7     **IN RE: ANTHONY/ANGELA BARRETO**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
4-17-2025    [[15](#)]

DAVID CHUNG/ATTY. FOR DBT.

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

DISPOSITION:     The OSC will be vacated.

ORDER:             The court will issue an order.

The record shows that the matter has been corrected by counsel. Accordingly, this order to show cause will be VACATED. No appearance is necessary.

4. [21-11746](#)-B-7     **IN RE: ARNOLDO CASTRO**  
[RMP-3](#)

MOTION TO COMPEL ABANDONMENT  
4-11-2025    [[40](#)]

U.S. BANK NATIONAL ASSOCIATION/MV  
T. O'TOOLE/ATTY. FOR DBT.  
RENEE PARKER/ATTY. FOR MV.

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

DISPOSITION:        Denied without prejudice.

ORDER:                The court will issue an order.

U.S. Bank, N.A. ("Movant") moves the court pursuant to 11 U.S.C. 554(b) for an order compelling the Chapter 7 trustee to abandon real property of the estate located at 236 North 4th Street, Orange Cove, CA 93646 on the basis that said property has no equity and is therefore burdensome to the estate or of inconsequential value and benefit to the estate. Doc. #40. The debtor is Arnolando Castro ("Debtor").

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

LBR 7005-1(a) and (d) require, unless six or fewer parties are served, the certificate to include an attached, official Matrix of Creditors from the Clerk of the Court, which shall be downloaded not more than seven days prior to the date of serving the pleadings and other documents and shall reflect the date of download. Here, the matrices attached to the certificate were custom matrices, even though the Movant served eleven creditors plus the Debtor and his attorney. Official matrices can be downloaded from the court's website or from PACER.

For the above reason(s), this motion will be DENIED WITHOUT PREJUDICE.



5. [25-10361](#)-B-7     **IN RE: JERI MARCIEL**  
[CLB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-9-2025    [\[13\]](#)

BANK OF AMERICA, N.A./MV  
STEVEN ALPERT/ATTY. FOR DBT.  
CHAD BUTLER/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.

Bank of America, N.A. ("Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to a 2023 Keystone travel trailer (VIN No. 4YDT0BN28PB450865) ("Vehicle"). Doc. #13.

As an informative matter, Movant is not using the current version of the Official Certificate of Service Form, EDC 007-005.

Jeri Lou Marciel ("Debtor") did not file opposition. Debtor's Statement of Intention indicates that the Vehicle will be surrendered. No other party in interest timely filed written opposition. This motion will be GRANTED.

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

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary

relief from the stay must be determined on a case-by-case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor has failed to make at least eight (8) pre-petition payments and one (1) post-petition payment. The Movant has produced evidence that Debtor is delinquent at least \$5,396.31. Docs. #15, #18.

The court also finds that the Debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because Debtor is in chapter 7. The Vehicle is valued at \$32,000.00 and Debtor owes \$60,199.47. Doc. #18.

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

6. [25-10266](#)-B-7     **IN RE: LARRY PINA**  
[PFT-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO  
APPEAR AT SEC. 341(A) MEETING OF CREDITORS  
4-4-2025    [\[20\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION:     Conditionally denied.

ORDER:             The court will issue the order.

Chapter 7 trustee Peter L. Fear ("Trustee") seeks dismissal of this case for the debtor's failure to appear and testify at the § 341(a) meeting of creditors held on April 3, 2025. Doc. 19.

Larry Pina ("Debtor") timely opposed. Doc. #24. Debtor's attorney appeared at the April 3, 2025, meeting of creditors. Debtor attempted to appear but encountered technical difficulties and was unable to timely troubleshoot the issue. Debtor will be present for the continued meeting.

This motion to dismiss will be CONDITIONALLY DENIED.

Debtor shall attend the meeting of creditors rescheduled for June 12, 2025, at 3:00 p.m. See, Doc. #20. If Debtor fails to appear and testify at the rescheduled meeting, Trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

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

7. [25-10867](#)-B-7     **IN RE: Nanci Hunter**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
4-8-2025    [\[12\]](#)

GABRIEL WADDELL/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     The OSC will be vacated.

ORDER:             The court will issue an order.

The record shows that the matter has been corrected by counsel. Accordingly, this order to show cause will be VACATED. No appearance is necessary.