



UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable Jennifer E. Niemann  
Hearing Date: Wednesday, May 14, 2025  
Department A – Courtroom #11  
Fresno, California

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Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at, Courtroom #11 (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 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. [24-12873](#)-A-11     **IN RE: GRIFFIN RESOURCES, LLC**  
[DOJ-7](#)

MOTION FOR ORDER APPROVING STIPULATION FOR RELIEF FROM AUTOMATIC STAY  
4-16-2025    [\[274\]](#)

CALIFORNIA GEOLOGIC ENERGY  
MANAGEMENT DIVISION/MV  
RILEY WALTER/ATTY. FOR DBT.

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 and failure to comply with this court's Local Rules of Practice ("LBR").

First, the two certificates of service filed with this motion indicate in section 5 that the documents were served on Debtor(s), Plaintiff(s), Defendant(s), and "All creditors and parties in interest". Doc. ##275, 278. However, the declarant did not attach the list of creditors and parties in interest receiving notice as Attachment 6B2. Id. Because the mandatory certificate of service form does not include an Attachment 6B2, the court cannot determine whether all creditors and parties in interest received proper notice of this motion.

Second, LBR 9014-1(d)(3)(D) requires in relevant part that "[e]very motion or other request for relief shall be accompanied by evidence establishing its factual allegations and demonstrating that the moving party is entitled to the relief requested." Here, the motion does not include any declaration testifying to facts that would allow the court to make the necessary findings of fact to grant the motion. Since no evidence was filed or served with the motion for order approving stipulation, the moving party has not met the required burden of proof or complied with this court's Local Rules of Practice.

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

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-8-2025    [\[57\]](#)

HILLER AIRCRAFT CORPORATION/MV  
LEONARD WELSH/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 as required by 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 movant make a prima facie showing that they are entitled to the relief sought, which the movant has done here.

Hiller Aircraft Corporation ("DIP") seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) to permit DIP to continue a pre-petition appeal currently pending against Steve Palm ("Creditor") in the California Fifth District Court of Appeals, Case No. F087410 (the "Appeal"). Doc. #57. The Appeal stems from a pre-petition lawsuit Creditor filed against DIP in the Fresno County Superior Court in which a judgment was entered against DIP in favor of Creditor and DIP appealed. Id. The Appeal is stayed because of DIP's current bankruptcy proceeding. Id. The automatic stay precludes DIP from dismissing the Appeal, which DIP intends to do. Id.; Decl. of Leonard K. Welsh, Doc. #60.

Under Ninth Circuit authority, DIP must obtain relief from the automatic stay to continue prosecuting an appeal of a judgment against DIP that stems from litigation originally filed against DIP. Parker v. Bain (In re Parker), 68 F.3d 1131 (9th Cir. 1995). 11 U.S.C. § 362(d)(1) allows the court to grant relief from the automatic stay for cause. "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).

With respect to finding cause to grant relief from stay to permit a moving party to proceed with litigation filed in state court, the legislative history of § 362(d)(1) states that "a desire to permit an action to proceed to completion in another tribunal may provide [] cause" for relief from a stay. H.R. No. 595, 95th Cong., 1st Sess. 343, 1977 U.S. Code Cong. & Admin. News 5787, 630. When a movant seeks relief from the automatic stay to initiate or continue non-bankruptcy court proceedings, a bankruptcy court may consider the "Curtis factors" in making its decision. In re Kronemyer, 405 B.R. 915, 921 (B.A.P. 9th Cir. 2009). The relevant Curtis factors include: (1) whether the

relief will result in a partial or complete resolution of the issues; (2) the lack of any connection with or interference with the bankruptcy case; (3) whether the non-bankruptcy forum has the expertise to hear such cases; (4) whether litigation in another forum would prejudice the interests of other creditors; and (5) the interest of judicial economy and the expeditious and economical determination of litigation for the parties. In re Curtis, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984).

Here, granting DIP's relief from the automatic stay will allow DIP to proceed with the Appeal against Creditor and will likely result in a complete resolution of the matter because DIP wants to dismiss the Appeal. Welsh Decl., Doc. #60. DIP knows of no prejudice that will occur to Creditor or any other person if this motion is granted, and neither DIP nor the estate would suffer financially from litigation because DIP intends to dismiss the Appeal. Id. Further, the interests of judicial economy favor granting relief from the automatic stay because it will allow DIP to dismiss the Appeal and end litigation with Creditor. Id. Finally, not granting DIP relief from the automatic stay will burden DIP if DIP is not able to proceed with dismissing the Appeal in a timely manner.

For these reasons, the court finds that cause exists to lift the stay to permit DIP to proceed with the Appeal.

Accordingly, the motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to proceed with the Appeal. No other relief is awarded.

1. [25-10100](#)-A-7     **IN RE: NORMA GARAY**

REAFFIRMATION AGREEMENT WITH TOYOTA MOTOR CREDIT CORPORATION  
4-13-2025    [[14](#)]

TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:     Denied.

ORDER:             The court will issue an order.

The debtor's counsel will inform the debtor that no appearance is necessary.

The debtor was represented by counsel when she entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "'if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney' attesting to the referenced items before the agreement will have legal effect." In re Minardi, 399 B.R. 841, 846 (Bankr. N.D. Okla. 2009) (emphasis in original). In this case, the debtor's attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

2. [25-10984](#)-A-7     **IN RE: EREK/ANITA JOHNSON**

PRO SE REAFFIRMATION AGREEMENT WITH AMERICAN HONDA FINANCE CORPORATION  
4-27-2025    [[11](#)]

OSCAR SWINTON/ATTY. FOR DBT.

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

DISPOSITION:     Denied.

ORDER:             The court will issue an order.

The debtors' counsel will inform the debtors that no appearance is necessary.

The debtors were represented by counsel when they entered into the reaffirmation agreement. Pursuant to 11 U.S.C. § 524(c)(3), "'if the debtor is represented by counsel, the agreement *must* be accompanied by an affidavit of the debtor's attorney' attesting to the referenced items before the agreement will have legal effect." In re Minardi, 399 B.R. 841, 846 (Bankr. N.D. Okla. 2009) (emphasis in original). In this case, the debtors' attorney affirmatively represented that he could not recommend the reaffirmation agreement. Therefore, the agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not enforceable.

1. [25-10201](#)-A-7     **IN RE: JOSE/PETRA TURNER**  
[RSW-1](#)

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT, WAIVE  
SECTION 1328 CERTIFICATE REQUIREMENT, CONTINUE CASE ADMINISTRATION,  
SUBSTITUTE PARTY, AS TO JOINT DEBTOR  
4-24-2025    [\[16\]](#)

JOSE TURNER/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted in part; denied in part.

ORDER:                        The minutes of the hearing will be the court's findings  
and conclusions. The Moving Party shall submit a proposed  
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 in part and deny the motion in part. 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.

Jose Luis Turner ("Movant"), the surviving spouse of joint debtor Petra Orosco Turner ("Joint Debtor") in this chapter 7 case, requests the court name Movant as the successor to the deceased Joint Debtor, permit the continued administration of this chapter 7 case, permit Movant to appear on behalf of Joint Debtor at the 341 meeting of creditors, and waive the § 1328 certification requirements. Doc. #16.

Federal Rule of Bankruptcy Procedure 1016(a) provides that, upon the death of a debtor in chapter 7, the estate shall be administered and the case concluded in the same manner, so far as possible, as though the death had not occurred. Thus, there is no need for this court to authorize continued administration of this chapter 7 bankruptcy case.

Joint Debtor died on February 1, 2025. Decl. of Jose Luis Turner, Doc. #18; Ex. 1, Doc. #19. Movant states that he is willing and able to perform the tasks necessary to complete the chapter 7 bankruptcy. Turner Decl., Doc. #18. Based on Movant's testimony, the court names Movant as the successor to the deceased Joint Debtor.

With respect to a waiver of Joint Debtor's certification requirements for entry of discharge under 11 U.S.C. § 1328, that section of the Bankruptcy Code does not apply in a chapter 7 case. Rather, one of the requirements for obtaining a chapter 7 discharge is certification that the debtor completed a personal financial management course. 11 U.S.C. § 727(a)(11). Here, Joint Debtor failed to complete a post-petition financial management course before Joint Debtor died. However, Joint Debtor's death demonstrates an inability to provide the required certification, and the certification required by 11 U.S.C. § 727(a)(11) is waived as to Joint Debtor. In re Trembulak, 362 B.R. 205

(Bankr. D.N.J. 2007) (exempting deceased debtor from financial course requirement under 11 U.S.C. § 727(a)(11)).

With respect to Movant's request to appear on behalf of Joint Debtor at the 341 meeting of creditors, the court must determine that Movant is the personal representative of Joint Debtor's probate estate or can otherwise represent Joint Debtor after her death under California law. In re Lucio, 251 B.R. 705, 709 (Bankr. W.D. Tex. 2000). In California, "[a] person has no power to administer the estate until the person is appointed personal representative and the appointment becomes effective. Appointment of a personal representative becomes effective when the person appointed is issued letters." Cal. Prob. Code § 8400. "The appointment of a personal representative for decedent is a probate-type proceeding; such proceedings are typically outside the power of the federal courts." Hassanati v. Int'l Lease Fin. Corp., 51 F. Supp. 3d 887, 896 (C.D. Cal. 2014), aff'd sub nom. Hassanati ex rel. Said v. Int'l Lease Fin. Corp., 643 F. App'x 620 (9th Cir. 2016) (quoting Sequoia Property and Equipment Ltd. Partnership v. United States, No. CV-F-97-5044-LJO, 2002 WL 32388132, at \*3 (E.D. Cal. June 3, 2002)). Therefore, Movant must show he can act as Joint Debtor's personal representative under California law before the court will grant Movant's request to appear at the 341 meeting of creditors on behalf of Joint Debtor. Movant has not made that showing in this motion.

Accordingly, pending opposition being raised at the hearing, Movant's request to be appointed representative of Joint Debtor for the further administration of this bankruptcy case will be GRANTED. Movant's request to permit continued administration of this chapter 7 bankruptcy case will be DENIED as unnecessary. Movant's request to waive the § 1328 certification requirements will be DENIED as not applicable in a chapter 7 bankruptcy case; however, the court will waive the requirement under 11 U.S.C. § 727(a)(11) that Joint Debtor complete the post-petition financial education requirement. Movant's request to appear at the 341 meeting of creditors on behalf of Joint Debtor will be DENIED.

2. [25-10501](#)-A-7     **IN RE: RACHEL SIEVERS**  
[SLL-1](#)

MOTION TO COMPEL ABANDONMENT  
4-10-2025     [\[33\]](#)

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



argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Rachel Mary Jane Sievers ("Debtor"), the chapter 7 debtor in this case, moves the court to compel the chapter 7 trustee to abandon the estate's interest in Debtor's personal property consisting of a counseling business known as Arrive Coaching & Counseling, LLC. Motion, Doc. #33. The assets include: the name of the business; three different business checking accounts at Chase Bank ending in 6803, 6370, and 9578; computer and printer; mini fridge; couch; coffee table; and other miscellaneous office furnishings (collectively, the "Property"). Doc. #33; Decl. of Rachel Mary Jane Sievers, Doc. #35. Debtor asserts that she has no non-exempt equity in the Property and the Property therefore has no value to the bankruptcy estate. Id. No opposition has been filed in response to this motion.

11 U.S.C. § 554(b) permits the court, on request of a party in interest and after notice and a hearing, to order the trustee to abandon property that is burdensome to the estate or of inconsequential value and benefit to the estate. Vu v. Kendall (In re Vu), 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). To grant a motion to abandon property, the bankruptcy court must find either that the property is (1) burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. Id. (citing Morgan v. K.C. Mach. & Tool Co. (In re K.C. Mach. & Tool Co.), 816 F.2d 238, 245 (6th Cir. 1987)). However, "an order compelling abandonment [under § 554(b)] is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset. . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." Id. (quoting K.C. Mach. & Tool Co., 816 F.2d at 246).

Here, Debtor does not allege that the Property is burdensome to the estate. Motion, Doc. #33. Therefore, Debtor must establish that the Property is of inconsequential value and benefit to the estate. 11 U.S.C. § 554(b); Vu, 245 B.R. at 647. Debtor's Property is valued at \$979.79 and is unencumbered. Am. Schedules A/B & D, Doc. #38. Under California Civil Procedure Code §§ 704.220 and 704.060, Debtor claimed \$979.79 in exemptions in the Property. Am. Schedule C, Doc. #38; Sievers Decl., Doc. #35. Although the time period to object to Debtor's claimed exemption in the Property has not yet passed pursuant to Federal Rule of Bankruptcy Procedure 4003, the court finds that Debtor has met her burden of establishing by a preponderance of the evidence that the Property is of inconsequential value and benefit to the estate.

Accordingly, this motion is GRANTED. The order shall specifically identify the property abandoned.

MOTION FOR RELIEF FROM AUTOMATIC STAY MOTION TO CONFIRM TERMINATION OR  
ABSENCE OF STAY  
4-11-2025    [\[20\]](#)

U.S. BANK NATIONAL ASSOCIATION/MV  
PETER BUNTING/ATTY. FOR DBT.  
DANE EXNOWSKI/ATTY. FOR MV.  
DISCHARGED 02/26/2024

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

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

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

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

As a procedural matter, the motion and supporting papers 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).

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

The motion will be GRANTED IN PART as to the trustee's interest and DENIED AS MOOT IN PART as to the debtor's interest pursuant to 11 U.S.C. § 362(c)(2)(C). The debtor's discharge was entered on February 26, 2024. Doc. #15. The motion will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

The movant, U.S. Bank National Association ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2015 G Dane Dry Van, VIN: 1GRAA0629FW700511 ("Vehicle"). Doc. #20.

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 any 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 there are at least fifteen complete post-petition payments owed to Movant. Movant has produced evidence that loan is delinquent by at least \$10,000.95. Decl. of Kimberly Williams, Doc. #22.

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 the debtor is in chapter 7. Movant values the Vehicle at \$15,250.00 and the amount owed to Movant is \$24,876.10. Williams Decl., Doc. #22.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) 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 at least fifteen post-petition payments are owed to Movant and the Vehicle is a depreciating asset.

4. [25-10717](#)-A-7     **IN RE: RAYMOND/DEBRA BRIZENDINE**  
[ALG-1](#)

MOTION TO AVOID LIEN OF CITIBANK, N.A.  
3-24-2025    [\[10\]](#)

DEBRA BRIZENDINE/MV  
JANINE ESQUIVEL OJI/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.

Raymond Edward Brizendine and Debra Kay Brizendine (together, "Debtors"), the debtors in this chapter 7 case, move pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Citibank, N.A. ("Creditor") on the residential real property commonly referred to as 304 Walnut Street, Madera, California 93637 (the "Property"). Doc. #10; Schedules C & D, Doc. #1.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Debtors filed the bankruptcy petition on March 10, 2025. Doc. #1. A judgment was entered against Raymond Brizendine in the amount of \$7,577.29 in favor of Creditor on December 19, 2024. Ex. 1, Doc. #13. The abstract of judgment was recorded pre-petition in Madera County on January 28, 2025, as document number 2025001624. Ex. 1, Doc. #13. The lien attached to Debtors' interest in the Property located in Madera County. Doc. #10. The Property also is encumbered by a first deed of trust in favor of Rocket Mortgage in the amount \$150,305.00. Schedule D, Doc. #1. Debtors claimed an exemption of \$159,895.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #1. Debtors assert a market value for the Property as of the petition date at \$310,200.00. Schedule A/B, Doc. #1.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$7,577.29
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$150,305.00
Amount of Debtor's claim of exemption in the Property	+	\$159,895.00
		<u>\$317,777.29</u>
Value of Debtor's interest in the Property absent liens	-	\$310,200.00
Amount Creditor's lien impairs Debtor's exemption		<u>\$7,577.29</u>

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtors have established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-14-2025    [\[27\]](#)

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

The movant, TD Bank, N.A. ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2023 Tesla Model X, VIN: 7SAXCBE65PF396777 ("Vehicle"). Doc. #27.

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 any 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 there are at least two complete post-petition payments owed to Movant. Movant has produced evidence that the debtor is delinquent by at least \$3,695.98. Decl. of Petrice Williams, Doc. #30. Pursuant to the debtor's Statement of Intention, the Vehicle is in possession of a co-debtor and the co-debtor is responsible for making the payments on the loan. Doc. #19.

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 the debtor is in chapter 7. Id. The Vehicle is valued at \$67,450.00. Decl. of John Eng, Doc. #29. Movant is owed \$86,429.50. Williams Decl., Doc. #30.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) 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 at least two post-petition payments are owed to Movant and the Vehicle is a depreciating asset.

6. [25-10843](#)-A-7     **IN RE: SARAH MENDOZA**  
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-14-2025     [\[16\]](#)

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

The movant, TD Bank, N.A. ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2023 Volkswagen Taos, VIN: 3VVSX7B26PM304454 ("Vehicle"). Doc. #16.

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 any 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 the debtor has failed to make at least one complete post-

petition payment. Movant has produced evidence that the debtor is delinquent by at least \$562.41. Decl. of Petrice Williams, Doc. #19. According to the debtor's Statement of Intention, the Vehicle will be surrendered. Doc. #1.

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 the debtor is in chapter 7. Id. The Vehicle is valued at \$23,125.00. Decl. of John Eng, Doc. #22. The debtor owes \$27,657.59. Williams Decl., Doc. #19.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) 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 debtor has failed to make at least one post-petition payments to Movant and the Vehicle is a depreciating asset.

7. [25-10646](#)-A-7     **IN RE: JEREMY CRABB**  
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-4-2025    [\[11\]](#)

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

The movant, Global Lending Services, LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2015 Toyota RAV4, VIN: JTMWFREV2FD058582 ("Vehicle"). Doc. #11.

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 any 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 the debtor has failed to make at least three complete pre- and post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$1,229.78. Decl. of Laquasha Wright, Doc. #13. Movant also is unable to verify that the debtor has insurance coverage on the Vehicle. Id. According to the debtor's Statement of Intention, the Vehicle will be surrendered, although Movant is not in possession of the Vehicle as of the filing of the motion. Doc. #1; Wright Decl., Doc. #13.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. Id. The Vehicle is valued at \$13,100.00 and the debtor owes \$14,614.02. Wright Decl., Doc. #13.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) 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 debtor has failed to make at least three pre- and post-petition payments to Movant, the Vehicle is a depreciating asset, and there is lack of insurance.

8. [24-13054](#)-A-7      **IN RE: MARCO MUNOZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
4-24-2025    [\[27\]](#)

BENNY BARCO/ATTY. FOR DBT.  
\$199.00 FEE PAID 5/5/25

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

DISPOSITION:      The order to show cause will be vacated.

ORDER:              The court will issue an order.

The record shows that the filing fee now due have been paid.



MOTION TO COMPEL ABANDONMENT  
4-10-2025    [\[18\]](#)

DISCOVER BANK/MV  
BENNY BARCO/ATTY. FOR DBT.  
LEE RAPHAEL/ATTY. FOR MV.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted.

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

Secured creditor Discover Bank ("Movant") moves the court to compel the chapter 7 trustee of the bankruptcy estate of Marco Munoz ("Debtor") to abandon the estate's interest in the single-family residence located at 3663 E. Santa Ana Avenue, Fresno, California 93726 (the "Property"). Doc. #18. Movant asserts Debtor has no non-exempt equity in the Property and the Property therefore has no value to the bankruptcy estate. Doc. #18.

11 U.S.C. § 554(b) permits the court, on request of a party in interest and after notice and a hearing, to order the trustee to abandon property that is burdensome to the estate or of inconsequential value and benefit to the estate. Vu v. Kendall (In re Vu), 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). To grant a motion to abandon property, the bankruptcy court must find either that the property is (1) burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. Id. (citing Morgan v. K.C. Mach. & Tool Co. (In re K.C. Mach. & Tool Co.), 816 F.2d 238, 245 (6th Cir. 1987)). However, "an order compelling abandonment [under § 554(b)] is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset. . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." Id. (quoting K.C. Mach. & Tool Co., 816 F.2d at 246).

Here, Movant does not allege that the Property is burdensome to the estate. Motion, Doc. #18. Therefore, Movant must establish that the Property is of inconsequential value and benefit to the estate. 11 U.S.C. § 554(b); Vu, 245 B.R. at 647. Movant asserts Debtor's interest in the Property is valued at \$371,100.00. Schedule D, Doc. #1; Decl. of Jodi Reisch, Doc. #23. The Property is encumbered by \$297,879.00 in secured debt consisting of a lien held by Mrc/United Wholesale M in the amount of \$238,234.00 and a lien held by Movant in the amount of \$59,645.00. Id. In addition, Debtor claimed a \$73,221.00 exemption in the Property under California Civil Procedure Code § 704.730. Schedule C, Doc. #1; Reisch Decl., Doc. #23. The court finds that Movant has

met its burden of establishing by a preponderance of the evidence that the Property is of inconsequential value and benefit to the estate.

Accordingly, pending opposition being raised at the hearing, this motion will be GRANTED. The order shall specifically identify the property abandoned.

10. [25-10658](#)-A-7     **IN RE: MARIA GONZALES**  
[PFT-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT  
SEC. 341(A) MEETING OF CREDITORS  
4-1-2025    [\[13\]](#)

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

DISPOSITION:     Conditionally denied.

ORDER:             The court will issue the order.

The chapter 7 trustee's motion to dismiss is CONDITIONALLY DENIED.

The debtor shall attend the meeting of creditors rescheduled for June 12, 2025 at 3:00 p.m. If the debtor fails to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Federal Rules of Bankruptcy Procedure 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor's discharge or file motions for abuse, other than presumed abuse, under 11 U.S.C. § 707, is extended to 60 days after the conclusion of the meeting of creditors.

11. [23-10963](#)-A-7     **IN RE: JESUS GUERRA**  
[HDN-7](#)

MOTION TO AVOID LIEN OF MARK S. ADAMS AND CALIFORNIA RECEIVERSHIP  
GROUP, INC.  
4-9-2025    [\[95\]](#)

JESUS GUERRA/MV  
HENRY NUNEZ/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-4-2025    [\[14\]](#)

TOYOTA MOTOR CREDIT CORPORATION/MV  
NEIL SCHWARTZ/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/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 pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtors, 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 movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Toyota Motor Credit Corporation ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2013 Toyota 4Runner, VIN: JTEBU5JR1D5131661 ("Vehicle"). Doc. #14.

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 debtors have failed to make at least four complete pre- and post-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$2,395.96. Decl. of Debra Knight, Doc. #16.

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 debtors have failed to make at least four pre- and post-petition payments to Movant and the Vehicle is a depreciating asset.

13. [25-10866](#)-A-7      **IN RE: STEPHANIE ZARAGOZA**

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 order to show cause will be vacated.

ORDER:              The court will issue an order.

On April 8, 2025, this court issued an order to show cause ("OSC") why sanctions should not be imposed for the failure of counsel for the debtor to update contact information in PACER. Doc. #12. The OSC was issued because there was a discrepancy between the email address for debtor's counsel in PACER and the email address for debtor's counsel listed on the petition that was filed in this bankruptcy case. Id.

On April 11, 2025, counsel for the debtor filed a response to the OSC explaining that counsel for debtor has two email addresses on file with this court in PACER, [fearnotice@gmail.com](mailto:fearnotice@gmail.com) and [gwaddell@ecf.courtdrive.com](mailto:gwaddell@ecf.courtdrive.com). Doc. #14. The former email is accessible by all staff in the office and counsel for the debtor receives notices from the court at this email address. Id. This email address is designed to receive only emails from the court to make sure that emails from the court are prioritized. Id. The latter email is used to collect electronically filed documents for the firm's document management system. Id. However, neither of these email addresses are the email address of counsel for the debtor, which is the email address that is on the petition. Thus, the court issued the OSC.

Based on the explanation provided by counsel for the debtor, the court finds that counsel for the debtor has sufficiently explained the discrepancy between the email address for debtor's counsel in PACER and the email address for debtor's counsel listed on the petition. Accordingly, the OSC is vacated. No appearance is necessary.

14. [25-11269](#)-A-7      **IN RE: CAMILA EMERSON**  
[RSS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-29-2025    [\[15\]](#)

WESTERN ARBOR COURT PARTNERS L.P./MV  
RICHARD SONTAG/ATTY. FOR MV.  
DISMISSED 5/6/25

TENTATIVE RULING:      This matter will proceed as scheduled.

DISPOSITION:      Denied.

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

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and deny 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.

By the motion, Western Arbor Court Partners L.P. ("Movant") seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) to proceed with an unlawful detainer action against Camila Emerson ("Debtor"), the chapter 7 debtor in this bankruptcy case, with respect to real property located at 9950 Juanita Street #39, Cypress, California 90630 (the "Property"). Doc. #15. Movant also requests *in rem* relief from stay pursuant to 11 U.S.C. § 362(d)(4). Id.

Debtor filed a skeletal chapter 7 petition without an attorney on April 18, 2025. Doc. #1. Debtor's bankruptcy case was dismissed on May 6, 2025 for Debtor's failure to timely file document(s). Order, Doc. #22.

Movant owns the Property. Decl. of Amy Turner, Doc. #18. Movant has a lease agreement ("Lease") with two individuals as tenants of the Property, neither of which is Debtor. Id.; Ex. A, Doc. #19. After Movant's tenants defaulted on the Lease, Movant filed an unlawful detainer action in state court. Turner Decl., Doc. #18. Debtor filed an answer in the unlawful detainer action even though Debtor is not one of Movant's tenants. Id.

With respect to Movant's request to terminate the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2), the automatic stay terminated on May 6, 2025 when Debtor's bankruptcy case was dismissed pursuant to 11 U.S.C. § 362(c)(1) and (c)(2), so that request for relief is denied as moot.

With respect to Movant's request for a determination of *in rem* relief under 11 U.S.C. § 362(d)(4), this court dismissed Debtor's bankruptcy case on May 6, 2025 without retaining jurisdiction to consider a motion for relief under 11 U.S.C. § 362(d)(4), so this court lacks jurisdiction to consider that relief under the Ninth Circuit authority of Tsafaroff v. Taylor (In re Taylor), 884 F.2d 478, 481 (9th Cir. 1989).

Even if this court had retained jurisdiction to determine *in rem* relief under 11 U.S.C. § 362(d)(4), this court would deny Movant's request because Movant is not a secured creditor with respect to the Property. To prevail on a motion for relief from the bankruptcy stay under 11 U.S.C. § 362(d)(4)(A), the moving party must prove (1) the moving party holds a security interest in the real property at issue, and (2) the filing of the bankruptcy petition was part of a scheme to delay, hinder, or defraud creditors that involved either (a) a transfer of all or part ownership of, or other interest in such real property without the consent of the secured creditor or court approval; or (b) multiple bankruptcy filings affecting such real property. In re Duncan & Forbes Dev., Inc., 368 B.R. 27, 32 (Bankr. C.D. Cal. 2007) (interpreting a prior version of 11 U.S.C. § 362(d)(4)). By its language, relief from stay under § 362(d)(4) is available only to a creditor whose claim is secured by an interest in real property. Marr Sanchez & Assoc. v. Hernandez (In re Hernandez), Case No. 16-42059, 2016 Bankr. LEXIS 3044 (Bankr. N.D. Cal. Aug. 15, 2016).

Because Congress limits relief from stay under § 362(d)(4) to creditors holding a security interest in the property to be subject to an order pursuant to 11 U.S.C. § 362(d)(4), and the evidence filed with the motion shows that Movant not is a secured creditor with respect to the Property, relief from stay cannot be granted to Movant pursuant to § 362(d)(4).

Accordingly, the motion will be DENIED AS MOOT with respect to prospective relief from the automatic stay pursuant to 11 U.S.C. § 362(c)(2)(B). Further, to the extent the court retains jurisdiction after the dismissal of Debtor's bankruptcy case, the motion will be DENIED for any *in rem* relief from stay pursuant to 11 U.S.C. § 362(d)(4).

15. [20-10271](#)-A-7      **IN RE: JEFFREY KERBO**  
[WLG-3](#)

MOTION TO AVOID LIEN OF BANK OF AMERICA, N.A.  
4-4-2025    [\[86\]](#)

JEFFREY KERBO/MV  
NICHOLAS WAJDA/ATTY. FOR DBT.

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

DISPOSITION:      Granted.

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

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

Jeffrey Alan Kerbo ("Debtor"), the debtor in this chapter 7 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Bank of America, N.A. ("Creditor") on the residential real property commonly referred to as 24163 Road 196, Lindsay, California 93247 (the "Property"). Doc. #86; Schedules C & D, Doc. #1.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Debtor filed the bankruptcy petition on January 27, 2020. Doc. #1. A judgment was entered against Debtor in the amount of \$34,928.78 in favor of Creditor on December 24, 2018. Ex. A, Doc. #89. The abstract of judgment was recorded pre-petition in Tulare County on November 19, 2019, as document number 2019-

0067483. Ex. A, Doc. #89. The lien attached to Debtor's interest in the Property located in Tulare County. Doc. #86. The Property also is encumbered by a lien in favor of Citizens One in the amount \$148,534.00. Schedule D, Doc. #1. Debtor claimed an exemption of \$162,125.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #1. Debtor asserts a market value for the Property as of the petition date at \$310,659.00. Schedule A/B, Doc. #1.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$34,928.78
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$148,534.00
Amount of Debtor's claim of exemption in the Property	+	\$162,125.00
		\$345,587.78
Value of Debtor's interest in the Property absent liens	-	\$310,659.00
Amount Creditor's lien impairs Debtor's exemption		\$34,928.78

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

16. [24-12175](#)-A-7 **IN RE: JUAN SALAS**  
[NLG-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-11-2025 [\[19\]](#)

LAKEVIEW LOAN SERVICING, LLC/MV  
NEIL SCHWARTZ/ATTY. FOR DBT.  
NICHOLE GLOWIN/ATTY. FOR MV.  
DISCHARGED 12/02/2024

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

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

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., 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 motion will be GRANTED IN PART as to the trustee's interest and DENIED AS MOOT IN PART as to the debtor's interest pursuant to 11 U.S.C. § 362(c)(2)(C). The debtor's discharge was entered on December 2, 2024. Doc. #16. The motion will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

The movant, Lakeview Loan Servicing, LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a piece of real property located at 2707 Gill Avenue, Bakersfield, California 93306 ("Property"). Doc. #19.

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 any 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 the debtor has been in default since January 1, 2025. Decl. of Jacqueline VanDerMiller, Doc. #21.

The court also finds that the debtor does not have any equity in the property and the property is not necessary to an effective reorganization because the debtor is in chapter 7. The debtor has valued the Property at \$340,952.00 and there is a homestead exemption of \$170,952.00. Doc. #1. Movant is owed \$166,687.85. VanDerMiller Decl., Doc. #21. After considering estimated cost of sale of \$27,276.16, there is negative equity of \$23,964.01 for the bankruptcy estate in the Property. Id.

Movant's request for attorney's fees is denied. Though Movant is oversecured under 11 U.S.C. § 506(b), Movant must separately file and set for hearing a motion for compensation in compliance with the Local Rules of Practice and Federal Rules of Bankruptcy Procedure. If Movant does, then the court will consider that motion on its merits at the appropriate time.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) 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 order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because the debtor has failed to make at least four post-petition payments.



MOTION TO COMPEL ABANDONMENT  
4-30-2025    [\[14\]](#)

JEREMY SAESEE/MV  
BENNY BARCO/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted.

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

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.

Danielle R. Saesee and Jeremy Saesee (together, "Debtors"), the chapter 7 debtors in this case, move the court to compel the chapter 7 trustee to abandon the estate's interest in Debtors' sole proprietorship Uber, Lyft, Instacart and DoorDash delivery driving business. Doc. #14. The assets of the estate used in Debtors' business include a 2020 Toyota Rav4 (the "Property"). Doc. #14. The Property is overencumbered, and the Property therefore has no value to the bankruptcy estate. Doc. #14.

11 U.S.C. § 554(b) permits the court, on request of a party in interest and after notice and a hearing, to order the trustee to abandon property that is burdensome to the estate or of inconsequential value and benefit to the estate. Vu v. Kendall (In re Vu), 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). To grant a motion to abandon property, the bankruptcy court must find either that the property is (1) burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. Id. (citing Morgan v. K.C. Mach. & Tool Co. (In re K.C. Mach. & Tool Co.), 816 F.2d 238, 245 (6th Cir. 1987)). However, "an order compelling abandonment [under § 554(b)] is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset. . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." Id. (quoting K.C. Mach. & Tool Co., 816 F.2d at 246).

Here, Debtors do not allege that the Property is burdensome to the estate. Motion, Doc. #14. Therefore, Debtors must establish that the Property is of inconsequential value and benefit to the estate. 11 U.S.C. § 554(b); Vu, 245 B.R. at 647. Debtors' Property is valued at \$26,600.00 and is encumbered by a lien held by Toyota Financial Services in the amount of \$39,236.00. Schedule D, Doc. #1; Decl. of Danielle R. Saesee, Doc. #16. The court finds that Debtors have met their burden of establishing by a preponderance of the evidence that the Property is of inconsequential value and benefit to the estate.

Accordingly, pending opposition being raised at the hearing, this motion will be GRANTED. The order shall specifically identify the property abandoned.

18. [25-11176](#)-A-7     **IN RE: KENNETH/SHERI PHILLIPS**  
[BDB-1](#)

MOTION TO COMPEL ABANDONMENT  
4-30-2025    [\[14\]](#)

SHERI PHILLIPS/MV  
BENNY BARCO/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted.

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

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.

Sheri Dian Phillips and Kenneth Lee Phillips, Jr. (together, "Debtors"), the chapter 7 debtors in this case, move the court to compel the chapter 7 trustee to abandon the following: (1) a Golden 1 business checking account ("Bank Account"); (2) items such as magnet toys, plastic building blocks, crayons, markers, double stroller and little sikes slide ("Daycare Supplies"); and (3) the right to use fictitious business name "Sheri's Day Care" (collectively, the "Property") that Sheri Dian Phillips uses in her daycare business. Doc. #14. Debtors assert that the Property has no value to the bankruptcy estate. Id.

11 U.S.C. § 554(b) permits the court, on request of a party in interest and after notice and a hearing, to order the trustee to abandon property that is burdensome to the estate or of inconsequential value and benefit to the estate. Vu v. Kendall (In re Vu), 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). To grant a motion to abandon property, the bankruptcy court must find either that the property is (1) burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. Id. (citing Morgan v. K.C. Mach. & Tool Co. (In re K.C. Mach. & Tool Co.), 816 F.2d 238, 245 (6th Cir. 1987)). However, "an order compelling abandonment [under § 554(b)] is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset. . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." Id. (quoting K.C. Mach. & Tool Co., 816 F.2d at 246).

Here, Debtors do not allege that the Property is burdensome to the estate. Motion, Doc. #14. Therefore, Debtors must establish that the Property is of inconsequential value and benefit to the estate. 11 U.S.C. § 554(b); Vu, 245 B.R. at 647. Among the Property is the Bank Account valued at \$3,000.00 and Daycare Supplies valued at \$230.00. Schedule A/B, Doc. #1. There are no liens

against either the Bank Account or the Daycare Supplies. Schedule D, Doc. #1. Under California Civil Procedure Code § 704.220, Debtors claim a \$3,000.00 exemption in the Bank Account. Schedule C, Doc. #1; Decl. of Sheri Dian Phillips, Doc. #16. Under California Civil Procedure Code § 704.060, Debtors claim a \$230.00 exemption in the Daycare Supplies. Schedule C, Doc. #1; Phillips Decl., Doc. #16. Further, the only non-exempt asset of Ms. Phillips' daycare business is the goodwill of the business, which Ms. Phillips states has no value because (i) Ms. Phillips has no employees, and (ii) the business is completed entirely by Ms. Phillip's manual labor. Doc. #14; Phillips Decl., Doc. #16. The court finds that Debtors have met their burden of establishing by a preponderance of the evidence that the Property is of inconsequential value and benefit to the estate.

Accordingly, pending opposition being raised at the hearing, this motion will be GRANTED. The order shall specifically identify the property abandoned.

19. [25-10582](#)-A-7     **IN RE: BRIAN MACKERT**  
[ICE-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT  
SEC. 341(A) MEETING OF CREDITORS  
4-16-2025    [\[24\]](#)

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

DISPOSITION:     Conditionally denied.

ORDER:             The court will issue the order.

The chapter 7 trustee's motion to dismiss is CONDITIONALLY DENIED.

The debtor shall attend the meeting of creditors rescheduled for May 19, 2025 at 2:00 p.m. If the debtor fails to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Federal Rules of Bankruptcy Procedure 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor's discharge or file motions for abuse, other than presumed abuse, under 11 U.S.C. § 707, is extended to 60 days after the conclusion of the meeting of creditors.

20. [25-10889](#)-A-7     **IN RE: EDGAR/VERONICA AYALA**  
[KGR-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
4-30-2025    [\[20\]](#)

GLOBAL FEDERAL CREDIT UNION/MV  
JERRY LOWE/ATTY. FOR DBT.  
KAREL ROCHA/ATTY. FOR MV.

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

DISPOSITION:     Denied without prejudice.

ORDER:             The court will issue an order.

The certificate of service filed in connection with this motion shows that the chapter 7 trustee was only served electronically pursuant to Federal Rule of Civil Procedure 5 and Federal Rules of Bankruptcy Procedure ("Rule") 7005 and 9036 Service. Doc. #25. However, Rules 4001(a)(1) and 9014(b) require service of a motion for relief from stay to be made pursuant to Rule 7004. Rule 9036(e) does not permit electronic service when any paper is required to be served in accordance with Rule 7004.

Because the chapter 7 trustee was not served by mail as required by Rule 7004(b)(1), the motion was not served properly on the chapter 7 trustee.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

21. [24-12899](#)-A-7     **IN RE: BRIAN HAIR**  
[CVH-1](#)

CONTINUED OBJECTION TO HOMESTEAD EXEMPTION  
1-10-2025    [\[35\]](#)

GIBI TRUCKING LLC/MV  
JENNY DOLING/ATTY. FOR DBT.  
CHRISTOPHER HAWKINS/ATTY. FOR MV.  
CONT'D TO 6/11/25 PER ECF ORDER #60

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

DISPOSITION:     Continued to June 11, 2025 at 1:30 p.m.

NO ORDER REQUIRED.

The parties have stipulated to continue the hearing on the creditor's objection to debtor's claim of homestead exemption to June 11, 2025 at 1:30 p.m. The court has already issued an order on April 3, 2025. Doc. #60.

1. [24-11612](#)-A-13     **IN RE: CHERYLE HARRISON**  
[JRL-2](#)

OBJECTION TO CLAIM OF WYNDHAM DESTINATIONS, CLAIM NUMBER 4  
4-11-2025    [[43](#)]

CHERYLE HARRISON/MV  
JERRY LOWE/ATTY. FOR DBT.

TENTATIVE RULING:        This matter will proceed as scheduled.

DISPOSITION:                Dropped from calendar if a signed request for withdrawal  
of proof of claim is filed before the hearing; otherwise  
overruled without prejudice for improper notice.

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

On May 5, 2025, Wyndham Destinations ("Creditor") filed request for withdrawal of its proof of claim. Doc. #51; Claim 4-1. However, the request for withdrawal was not signed by Creditor. The court is inclined to drop this matter from calendar if a signed request for withdrawal of Creditor's proof of claim is filed before the hearing. Should a signed request for withdrawal of proof of claim not be filed prior to the hearing, this objection will be OVERRULED WITHOUT PREJUDICE for improper notice.

Notice of the hearing on this objection to claim was sent by mail on April 11, 2025 with a hearing date set for May 14, 2025. Doc. #44. However, Local Rule of Practice ("LBR") 3007-1 provides that written opposition to an objection to claim is not required to be filed if the claim objection is filed and served fewer than 44 days prior to the hearing date. LBR 3007-1(b)(2). Because the debtor's notice required written opposition 14 days prior to the hearing, but only served the objection and supporting pleadings 33 days before the hearing, this objection does not comply with LBR 3007-1(b)(2).

2. [24-11612](#)-A-13     **IN RE: CHERYLE HARRISON**  
[JRL-3](#)

OBJECTION TO CLAIM OF WYNDHAM VACATION RESORTS, INC., CLAIM NUMBER 9  
4-11-2025    [[46](#)]

CHERYLE HARRISON/MV  
JERRY LOWE/ATTY. FOR DBT.

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

DISPOSITION:                Overruled without prejudice.

ORDER:                        The court will issue an order.

This motion will be OVERRULED WITHOUT PREJUDICE for improper notice.

Notice of the hearing on this objection to claim was sent by mail on April 11, 2025 with a hearing date set for May 14, 2025. Doc. #47. However, Local Rule of Practice ("LBR") 3007-1 provides that written opposition to an objection to claim is not required to be filed if the claim objection is filed and served fewer than 44 days prior to the hearing date. LBR 3007-1(b)(2). Because the debtor's notice required written opposition 14 days prior to the hearing, but only served the objection and supporting pleadings 33 days before the hearing, this objection does not comply with LBR 3007-1(b)(2).

3. [24-13728](#)-A-13     **IN RE: NICHOLAS CANTU**  
[LGT-2](#)

MOTION TO DISMISS CASE  
4-7-2025    [[28](#)]

LILIAN TSANG/MV  
STEVEN ALPERT/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Denied as moot.

ORDER:             The court will issue an order.

This case was converted to a case under chapter 7 on May 9, 2025. Doc. #38. Therefore, this motion will be DENIED AS MOOT.

4. [25-10733](#)-A-13     **IN RE: LEE MARTINEZ AND JAMIE KUCKENBAKER-MARTINEZ**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
4-21-2025    [[21](#)]

SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION:     Continued to June 11, 2025 at 2:00 p.m.

ORDER:             The court will issue an order.

Lee Martinez and Jamie Leann Kuckenbaker-Martinez (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on March 12, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, and (2) the Plan does not meet liquidation requirements. Doc. #21. The meeting of creditors was continued to May 12, 2025. See court docket entry entered on April 15, 2025.

This objection will be continued to June 11, 2025. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than May 28, 2025. 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 Debtors' position. Trustee shall file and serve a reply, if any, by June 4, 2025.

If Debtors elect 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, 2025. If Debtors do 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.

5. [25-10538](#)-A-13     **IN RE: VICENTE ALCALA AND JOSEFINA DE RINCON**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
4-3-2025    [\[19\]](#)

LILIAN TSANG/MV  
T. O'TOOLE/ATTY. FOR DBT.  
WITHDRAWN

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on April 30, 2025.  
Doc. #35.

6. [25-10342](#)-A-13     **IN RE: JULIO BARBARAN**  
[LGT-1](#)

MOTION TO DISMISS CASE  
4-4-2025    [\[22\]](#)

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 debtor that is prejudicial to creditors. Doc. #22. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) set a hearing to confirm her plan as required by the Order Extending Time to File Missing; (3) provide Trustee with required documents; (4) file a complete plan (Sections 3.12 and 3.14 are blank); (5) accurately file schedules and/or statements; and (6) commence making payments due under the plan. As of April 4, 2025, plan payments are delinquent in the amount of \$300.00. While this motion is pending, further plan payments will come due. Finally, the debtor is ineligible to be a chapter 13 debtor pursuant to 11 U.S.C. § 109(e) because the debtor has no regular income. Schedule I, Doc. #18; Doc. #22. 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 debtor 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 debtor has failed to make all payments due under the plan.

Because the debtor has failed to appear at the meeting of creditors, dismissal rather than conversion is appropriate.

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

7. 23-10947-A-13      **IN RE: SONIA LOPEZ**  
LGT-1

MOTION TO DISMISS CASE  
4-7-2025    [192]

LILIAN TSANG/MV

TENTATIVE RULING:      This matter will proceed as scheduled.

DISPOSITION:            Granted in part; denied 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 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 creditor filed an untimely joinder on May 8, 2025. Doc. #196. 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). Therefore, the defaults of the non-responding parties in interest are entered.

The chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(6) for failure of the debtor to make all payments due under the plan ("Motion"). Doc. #192. The debtor is delinquent in the amount of \$3,282.00. Id. Before this hearing, another payment in the amount of \$1,641.00 will also come due. Id. The debtor did not oppose.

On May 8, 2025, secured creditors Brilena, Inc. as to an undivided 31.2500% interest, Michael Bumbaca and Adele Bumbaca Husband and Wife as Joint Tenants as to an undivided 43.7500% interest, and First Regional Bank, as Custodian FBO Robert Pastor IRA Acct. No. 051236, as to an undivided 25.000% interest (together, "Creditor") filed a joinder ("Joinder") to the Motion. Doc. #196. In the Joinder, Creditor asks this court to bar the debtor from filing any other bankruptcies for 180 days pursuant to 11 U.S.C. § 109(g) due to the debtor's failure to prosecute this seventh bankruptcy case and her related adversary proceeding. Doc. #196.

Dismissals of individual bankruptcy cases are governed by 11 U.S.C. §§ 349 and 109(g). 11 U.S.C. § 349 states that dismissal of a bankruptcy does not "prejudice the debtor with regard to filing of a subsequent petition under this title, except as provided in section 109(g)." 11 U.S.C. § 349(a). 11 U.S.C. § 109(g) bars individuals from being debtors under the Bankruptcy Code who have, within the preceding 180 days, had a prior case dismissed "for willful failure of the debtor to abide by orders of the court or to appear before the court in proper prosecution of the case." 11 U.S.C. § 109(g).

Because the Joinder asks for relief not requested in the Motion and was only served six (6) days before the hearing, Creditor's request for a 180-day re-filing bar will be denied for improper notice in violation of LBR 9014-1(f)(2). In addition, there is no certificate of service filed with the Joinder showing the parties on which the Joinder was served. Only electronic service of this motion was served, on which the debtor is not listed. Therefore, the debtor has received no notice of Creditor's request for the bar to re-filing set forth in the Joinder. Because Creditor's request for a 180-day re-filing bar is not timely and was not served on the debtor, Creditor's request for a 180-day re-filing bar is DENIED WITHOUT PREJUDICE for improper notice.

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)(1) and (c)(6) for the debtor's failure to make all payments due under the plan.

Based on the confirmation of the original plan, there was a liquidation amount of \$4,432.52 as of December 18, 2023. Order, Doc. #95. This amount is based primarily on non-exempt equity in the two vehicles. Because the vehicles have depreciated in value over the past year and one-half, there does not appear to be significant non-exempt equity in the debtor's assets to be realized for the benefit of the estate, so dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

Accordingly, the Motion is GRANTED and DENIED WITHOUT PREJUDICE as to Creditor's request for a 180-day re-filing bar. The case will be dismissed without a 180-day re-filing bar.

8. [25-10448](#)-A-13      **IN RE: ERNEST MCKINNEY**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
4-24-2025    [\[18\]](#)

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.

9. [24-10354](#)-A-13      **IN RE: ORLAND FERGUSON**  
[TCS-1](#)

MOTION TO MODIFY PLAN  
4-1-2025    [\[40\]](#)

ORLAND FERGUSON/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:                Granted.

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

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.

10. [23-11859](#)-A-13     **IN RE: AUGUSTO TRIGUEROS**  
[SAH-2](#)

AMENDED MOTION TO MODIFY PLAN  
4-8-2025    [\[66\]](#)

AUGUSTO TRIGUEROS/MV  
SUSAN HEMB/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

11. [24-12359](#)-A-13     **IN RE: JUAN GONZALEZ**  
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE  
3-12-2025    [\[60\]](#)

LILIAN TSANG/MV  
JOSHUA STERNBERG/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 for to dismiss on May 9, 2025. Doc. #78.

12. [24-12359](#)-A-13     **IN RE: JUAN GONZALEZ**  
[SLG-1](#)

MOTION TO CONFIRM PLAN  
4-30-2025    [\[70\]](#)

JUAN GONZALEZ/MV  
JOSHUA STERNBERG/ATTY. FOR DBT.

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

DISPOSITION:                    Denied without prejudice.

ORDER:                            The court will issue an order.

The court denies the motion without prejudice for the failure of Debtor to file and serve a declaration of Debtor in support of the motion when the motion was filed and served. The party moving to confirm a chapter 13 plan bears the burden of proof to show facts supporting the proposed plan. Max Recovery v. Than (In re Than), 215 B.R. 430, 434 (B.A.P. 9th Cir. 1997). In addition, Local Rule of Practice ("LBR") 9014-1(d)(3)(D) requires in relevant part that "[e]very motion or other request for relief shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested." Here, Debtor initially filed a declaration

in support of confirmation of Debtor's first modified chapter 13 plan. Doc. #44. However, no evidence was filed or served in support of confirmation of Debtor's second modified chapter 13 plan, so Debtor did not meet his required burden of proof or comply with this court's Local Rules of Practice.

As a procedural matter, this motion was filed on April 30, 2025 and was set for hearing on May 14, 2025, which is less than 35 days' notice as required by LBR 3015-1(d)(1). Further, the mandatory certificate of service form filed with this motion (Doc. #73) has November 27, 2024 as the date on which parties in interest were served with the motion and supporting pleadings. An amended notice of hearing was filed on May 4, 2025 to change the hearing date from May 14, 2025 to June 11, 2025. Doc. #77. However, there is no certificate of service filed with the amended notice of hearing showing that the notice of the amended hearing was served on all creditors and other parties in interest even though LBR 9014-1(e)(2) required such certificate of service to be filed by no later than May 7, 2025.

As a further procedural matter, the second modified chapter 13 plan and supporting papers 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, Docket Control Number ("DCN") SLG-1 was used for the first modified chapter 13 plan as well as this motion, and the supporting pleadings either have DCN SLG-1 or there is no DCN on the pleading.

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

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

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER  
4-18-2025    [\[16\]](#)

NIMA VOKSHORI/ATTY. FOR DBT.

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

**DISPOSITION:**      The order to show cause will be vacated.

**ORDER:**              The court will issue an order.

The record shows that the incorrect contact information was updated by the debtor's counsel. Therefore, this order to show cause will be VACATED. No appearance is necessary.

14. [20-13964](#)-A-13     **IN RE: LAURA SILVA**  
[LGT-2](#)

MOTION TO DISMISS CASE  
4-7-2025    [\[63\]](#)

LILIAN TSANG/MV  
STEPHEN LABIAK/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Trustee withdrew the motion to dismiss on May 2, 2025. Doc. #70.

15. [25-10668](#)-A-13     **IN RE: PAUL/CAMMY WILLIS**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
4-15-2025    [\[17\]](#)

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

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on April 30, 2025.  
Doc. #22.

16. [25-10573](#)-A-13     **IN RE: MAGDALENA PUENTES JURAZ**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
4-21-2025    [\[31\]](#)

PETER MACALUSO/ATTY. FOR DBT.

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

DISPOSITION:                    Continued to June 11, 2025 at 2:00 p.m.

ORDER:                            The court will issue an order.

Magdalena Puentes Juraz ("Debtor") filed a voluntary petition under chapter 13 on February 27, 2025 as well as a chapter 13 plan ("Plan") on March 14, 2025. Doc. ##1, 18. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, and (2) Debtor

has not filed a motion to value the collateral secured by Educational Employees Credit Union's claim. Doc. #31. The meeting of creditors was continued to June 10, 2025. See court docket entry entered on April 30, 2025.

This objection will be continued to June 11, 2025. 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, 2025. 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, 2025.

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, 2025. 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.

17. [25-10680](#)-A-13     **IN RE: YVONNE OLMOS**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
4-18-2025    [\[28\]](#)

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

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

DISPOSITION:     Continued to June 11, 2025 at 2:00 p.m.

ORDER:             The court will issue an order.

Yvonne Olmos ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on March 6, 2025. Doc. ##1, 5. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtor needs to file: (1) an amended Schedule I to reflect Debtor's current income; (2) an amended Statement of Financial Affairs; (3) a signed voluntary petition and Disclosure of Compensation of Attorney; and (4) the most recent version of the Rights and Responsibilities form. Doc. #28.

This objection will be continued to June 11, 2025. 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, 2025. 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, 2025.

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, 2025. 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.

MOTION TO DISMISS CASE  
4-16-2025    [\[47\]](#)

CARL GUSTAFSON/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. #47. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) file a modified plan with notice to creditors; (2) set a modified plan for hearing with notice to creditors; and (3) make payments due under the plan. As of April 16, 2025, plan payments are delinquent in the amount of \$1,236.00. While this motion is pending, further plan payments will come due. Doc. #47. 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 and set for hearing a modified plan with notice to all 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 the debtor's vehicle is overencumbered, and the debtor claims exemptions in the remaining assets. Schedules C & D, Doc. #1; Am. Schedule A/B, Doc. #23. Because there is no equity to be realized for the benefit of the estate, dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

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

19. [24-13287](#)-A-13     **IN RE: JOHN/NANCY ALVA**  
[SDN-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY  
12-20-2024    [\[12\]](#)

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

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion for relief from automatic stay on May 6, 2025.  
Doc. #80.

20. [25-10594](#)-A-13     **IN RE: SALATIEL/MARIA RUIZ**  
[LGT-2](#)

MOTION TO DISMISS CASE  
4-16-2025    [\[15\]](#)

JOEL WINTER/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 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 debtors that is prejudicial to creditors. Doc. #15. Specifically, Trustee asks the court to dismiss this case for the debtors' failure to provide Trustee with required documents and file an accurate attorney disclosure form. Doc. #15. 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 debtors failed to provide Trustee with required documents and file an accurate attorney disclosure form.

A review of the debtors' Schedules A/B, C and D shows that the debtors' assets are fully exempt after consideration of secured claims. Doc. #1. Because there is no equity in the debtors' assets to be realized for the benefit of the estate, dismissal rather than conversion is appropriate.

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

1. [24-13229](#)-A-7    **IN RE: ADRIAN GUERRA**  
[25-1007](#)    [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
2-21-2025    [[1](#)]

GUERRA V. INTERNAL REVENUE SERVICE ET AL  
NANCY KLEPAC/ATTY. FOR PL.  
DISMISSED 4/15/25

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

DISPOSITION:    Dropped as moot.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on April 15, 2025. Doc. #7.

2. [24-12145](#)-A-7    **IN RE: ERIK LUNA**  
[24-1032](#)    [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
10-10-2024    [[8](#)]

FEAR V. FRANCO ET AL  
PETER SAUER/ATTY. FOR PL.

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

DISPOSITION:    Continued to June 11, 2025 at 3:00 p.m.

ORDER:    The court will issue an order.

Based on the status report filed by the plaintiff on April 23, 2025 (Doc. #23), the status conference is continued to June 11, 2025 at 3:00 p.m.

The plaintiff shall file and serve a further status report not later than June 4, 2025.

3. [25-10074](#)-A-12     **IN RE: CAPITAL FARMS, INC**  
[25-1009](#)     [CAE-1](#)

STATUS CONFERENCE RE: NOTICE OF REMOVAL  
3-11-2025     [[1](#)]

CAPITAL FARMS, INC. ET AL V. TECH AG FINANCIAL GROUP, INC  
UNKNOWN TIME OF FILING/ATTY. FOR PL.  
DISMISSED 4/8/25, CLOSED 4/29/25

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

DISPOSITION:     Dropped as moot.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on April 8, 2025. Doc. #22.

4. [21-10679](#)-A-13     **IN RE: SYLVIA NICOLE**  
[23-1029](#)     [LBT-1](#)

MOTION FOR SEVERANCE  
3-25-2025     [[152](#)]

NICOLE V. LOS BANOS TRANSPORT & TOWING ET AL

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

DISPOSITION:     Granted.

ORDER:     The court will issue an order.

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 plaintiff 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.

By this motion, Los Banos Transports and Tow ("Defendant") seeks to sever the third cause of action against it from the first two causes of action alleged in this adversary proceeding against Defendant and American Automobile Association of Northern California, Nevada & Utah ("AAA") by Sylvia Nicole ("Plaintiff"). Doc. #152. No opposition was filed by Plaintiff or AAA. Doc. #168.

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## BACKGROUND

Plaintiff is a chapter 13 debtor pro se and the plaintiff in this adversary proceeding. On July 12, 2023, Plaintiff initiated this adversary proceeding against Defendant and AAA Insurance. Doc. #1. On June 24, 2024, Plaintiff amended her complaint to assert claims against AAA and Defendant (together with AAA, "Co-Defendants"). Doc. #82. On November 18, 2024, Plaintiff filed her second amended complaint ("Complaint"). Doc. #109. By the Complaint, Plaintiff asserts two claims for relief against AAA for breach of contract and fraud and a claim for relief against both Co-Defendants for violation of the automatic stay. On January 30, 2025, this court granted AAA's motion to dismiss the third claim for relief as to AAA. Order, Doc. #128.

The allegations in the Complaint stem from the alleged failure of AAA to provide roadside assistance to Plaintiff. Compl., Doc. #109. In the Complaint, Plaintiff asserts she had a roadside service contract with AAA that allows up to four service calls per year. Id. at ¶¶ 4-10. On July 6, 2023, Plaintiff alleges she contacted AAA to assist Plaintiff in moving her 2003 Saturn SUV ("Vehicle") from where the Vehicle was parked inside the fenced backyard of Plaintiff's property to a new location. Id. at ¶ 14. AAA sent a technician with a truck to assist Plaintiff. Id. at ¶ 15. However, when Plaintiff showed the AAA technician a registration form with a one-day moving permit, the AAA technician informed Plaintiff that AAA does not allow the technician to tow her Vehicle to Plaintiff's preferred location to purchase a battery, but the Vehicle could be towed to an AAA location for the purchase of a new battery from AAA. Id. at ¶ 16. Plaintiff asked the AAA technician if he could jump the Vehicle, but the AAA technician said "no." Id. at ¶ 18.

Plaintiff then asked the AAA technician to assist in pushing the Vehicle out of the gate so Plaintiff could work on the Vehicle, which was done. Compl. at ¶¶ 19-20, Doc. #109. Plaintiff alleges that she again asked the AAA technician if he could jump start the Vehicle, but the AAA technician immediately left and drove away without saying anything and leaving the Vehicle blocking traffic. Id. at ¶¶ 22-23. When a call was placed about the Vehicle blocking traffic, the police contacted Defendant to tow the Vehicle. Id. at ¶ 26.

Defendant believes severance should be granted because Plaintiff's issues in the Complaint are different for Defendant and AAA. Doc. #152.

## APPLICABLE LAW

A basic lawsuit is a single claim against a single defendant. Federal Rule of Civil Procedure 20(a)(2) ("Rule") allows a plaintiff to join multiple defendants to a lawsuit where the right to relief arises out of the same "transaction, occurrence, or series of transactions" and "any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. Proc. 20(a)(2). However, unrelated claims that involve different defendants must be brought in separate lawsuits. See George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007).

Permissive joinder under Rule 20 "is to be construed liberally in order to promote trial convenience and to expedite the final determination of disputes, thereby preventing multiple lawsuits." League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency, 558 F.2d 914, 917 (9th Cir. 1997). The purpose of Rule 20 is to address the "broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties, and remedies is strongly encouraged." United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 724 (1966). Rule 20 sets forth two specific requirements for permissive joinder: "(1) a right to relief must be asserted by, or against, each plaintiff or defendant relating to or arising out of the same transaction or occurrence or series of transactions or

occurrences; and (2) some question of law or fact common to all parties must arise in the action." Desert Empire Bank v. Ins. Co. of N. Am., 623 F.2d 1371, 1375 (9th Cir. 1980) (citing League to Save Lake Tahoe, 558 F.2d at 917).

With respect to the first requirement, courts assess the facts of each case individually to determine whether joinder is sensible in light of the underlying policies of permissive party joinder. Coughlin v. Rogers, 130 F.3d 1348, 1350 (9th Cir. 1997). "The 'same transaction' requirement of Rule 20 refers to 'similarity in the factual background of a claim; claims that arise out of a systematic pattern of events' and have a 'very definite logical relationship.'" Hubbard v. Hougland, 2010 U.S. Dist. LEXIS 46184, 2010 WL 1416691, at \*7 (E.D. Cal. Apr. 5, 2010) (quoting Bautista v. Los Angeles County, 216 F.3d 837, 842-843 (9th Cir. 2000)). Additionally, "the mere fact that all [of a plaintiff's] claims arise under the same general law does not necessarily establish a common question of law or fact." Coughlin, 130 F.3d at 1351.

As to the second requirement, commonality under Rule 20 is not a particularly stringent test. See Johnson v. Shaffer, 2013 U.S. Dist. LEXIS 4173, 2013 WL 140115, at \*2 (E.D. Cal. Jan. 10, 2013) (citing Bridgeport Music, Inc. v. 11 C Music, 202 F.R.D. 229, 231 (M.D. Tenn. 2001)). Rule 20 requires only a single common question, not multiple common questions. Fed. R. Civ. P. 20 ("any question of law or fact common to"). "The common question may be one of fact or of law and need not be the most important or predominant issue in the litigation." Johnson, 2013 U.S. Dist. LEXIS 4173, 2013 WL 140115, at \*2 (citing Mosley v. Gen. Motors Corp., 497 F.2d 1330, 1333 (8th Cir. 1974)). And even if a court finds that the requirements have been met, "a district court must examine whether permissive joinder would 'comport with principles of fundamental fairness' or would result in prejudice to either side." Coleman v. Quaker Oats Company, 232 F.3d 1271, 1296 (9th Cir. 2000) (citing Desert Empire Bank, 623 F.2d at 1375 (finding that the district court did not abuse its discretion when it severed certain plaintiff's claims without finding improper joinder)).

A bankruptcy court may sever claims or parties in order to avoid prejudice. Fed. R. Bankr. P. 7020, incorporating Fed. R. Civ. P. 20(b). Courts have also exercised their discretion to sever where "[i]nstead of making the resolution of [the] case more efficient . . . joinder would instead confuse and complicate the issues for all parties involved." Rodriguez v. Tilton, 2013 U.S. Dist. LEXIS 39156, 2013 WL 1163796, at \*6 (E.D. Cal. Mar. 20, 2013) (quoting Wynn v. Nat'l Broad. Co., 234 F. Supp. 2d 1067, 1088 (C.D. Cal. 2002) (finding that even where Rule 20 requirements for joinder are satisfied, the court may exercise its discretion "to sever for at least two reasons: (1) to prevent jury confusion and judicial inefficiency, and (2) to prevent unfair prejudice to the [defendants]")) (citing Coleman, 232 F.3d at 1350).

## ANALYSIS

The court determines that Plaintiff's claims against Defendant should be severed from Plaintiff's claims against AAA under applicable law. While Plaintiff's claims against Co-Defendants arise from events that occurred around the same time, Plaintiff's claims against AAA and Plaintiff's claims against Defendant do not have a logical relationship. Plaintiff's claims against AAA arise from breach of contract and fraud with respect to a contract between Plaintiff and AAA regarding roadside assistance. Plaintiff's claims against Defendant, on the other hand, arise from Defendant's actions after Defendant was contacted by the police to tow the Vehicle that was blocking traffic.

Because AAA was dismissed from the claim of relief against all Co-Defendants for violation of the automatic stay, Co-Defendants do not have any overlapping

claims against them that need to be litigated in a single case. Order, Doc. #128. Moreover, joinder of these claims in the same adversary proceeding would not make resolution of Plaintiff's claims against Co-Defendants more efficient. Rather, joinder of Plaintiff's claims against Co-Defendants would confuse and complicate the issues for all parties involved.

Because Plaintiff's claims in the Complaint are different for Defendant and AAA, severance of Plaintiff's claims against AAA from Plaintiff's claims against Defendant is appropriate.

#### **CONCLUSION**

For the foregoing reasons, Defendant's motion for severance is GRANTED.