



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

**HONORABLE RENÉ LASTRETO II
Department B – Courtroom #13
Fresno, California**

Hearing Date: Wednesday, May 17, 2023

Unless otherwise ordered, all hearings before Judge Lastreto are simultaneously: (1) **IN PERSON** in Courtroom #13 (Fresno hearings only), (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**. You may choose any of these options unless otherwise ordered.

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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.

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

9:30 AM

1. [23-10531](#)-B-13 **IN RE: AARON/LINDA FORD**
[PBB-1](#)

MOTION TO VALUE COLLATERAL OF PRESTIGE FINANCIAL SERVICES, INC.
4-18-2023 [[14](#)]

LINDA FORD/MV
PETER BUNTING/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.

Aaron Damone Ford, Sr., and Linda Fae Ford (collectively "Debtors") move for an order valuing a 2012 Infiniti G37 Journey ("Vehicle") at \$10,314.00 under 11 U.S.C. § 506(a). Doc. #14. Vehicle is secured by a purchase money security interest in favor of Prestige Financial Services, Inc. ("Creditor").¹ Proof of Claim No. 7-1.

No party in interest timely filed written opposition. This motion will be GRANTED.

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

11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim."

Section 506(a)(2) states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition date. "Replacement value" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined."

Here, Debtors borrowed money from Creditor to purchase Vehicle on April 15, 2016, which is more than 910 days preceding the petition date. Thus, the elements of § 1325(a)(*) are not met and § 506 is applicable.

Joint debtor Linda Fae Ford declares Vehicle has a replacement value of \$10,314.00. Doc. #16. Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at \$10,314.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

¹ Debtors complied with Fed. R. Bankr. P. 7004(b)(3) by serving Creditor's registered agent for service of process via first class mail on April 18, 2023. Doc. #18.

2. [22-11934](#)-B-13 **IN RE: JOSE HERNANDEZ**
[MHM-3](#)

MOTION TO DISMISS CASE
4-18-2023 [\[52\]](#)

MICHAEL MEYER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted or continued.

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

Chapter 13 trustee Michael H. Meyer ("Trustee") moves to dismiss this case for cause pursuant to 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors and failure to make all payments due under the plan. Doc. #52. As of April 18, 2023, Debtor is delinquent \$14,400.00 under the plan, and on April 25, 2023, an additional payment of \$7,200.00 will come due, resulting in a total delinquency of \$21,600.00 as of the date of this hearing.

Jose Benedicto Hernandez ("Debtor") timely opposed. Doc. #56. Debtor will file a modified plan to resolve the delinquency and will amend his schedules. *Id.* However, as of this writing, no such modified plan has been filed.

This matter will be called and proceed as scheduled.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the U.S. Trustee, or any other party in interest except 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). Therefore, the defaults of the above-mentioned parties in interest except Debtor are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

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) and (c)(4) for unreasonable delay and failure to commence making timely payments under the plan.

Trustee has reviewed the schedules and determined that this case has a liquidation value of \$55,356.24 after trustee compensation, which is comprised of the value of Debtor's multiple vehicles. Doc. #54.

This matter will be called and proceed as scheduled to inquire whether a modified plan has been filed. If so, this motion may be CONTINUED to the date and time of the plan confirmation hearing. Otherwise, this motion may be GRANTED and the case CONVERTED TO CHAPTER 7.

3. [22-11741](#)-B-13 **IN RE: JOSEPH MARTIN**
[MHM-2](#)

CONTINUED MOTION TO DISMISS CASE
3-16-2023 [\[40\]](#)

MICHAEL MEYER/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion was originally heard on May 3, 2023. Doc. #58.

Chapter 13 trustee Michael H. Meyer ("Trustee") moved to dismiss this case for cause under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors and failure to confirm a chapter 13 plan. Doc. #40.

Joseph Wayne Martin ("Debtor") timely opposed on grounds that he has filed a motion to confirm plan, which is set for hearing on May 17, 2023 in matter #4 below. Doc. #53; NES-1. The court accordingly continued the hearing on this motion to May 17, 2023 to be heard in connection with Debtor's motion to confirm plan. Docs. #58-59.

On May 11, 2023, Trustee withdrew his opposition to plan confirmation because Debtor cured a \$8,002.00 delinquency. See Doc. #65; NES-1. Thus, the court intends to grant Debtor's motion to confirm plan in matter #4 below, and therefore, Debtor has resolved Trustee's motion to dismiss. Accordingly, this motion will be DENIED WITHOUT PREJUDICE.

4. [22-11741](#)-B-13 **IN RE: JOSEPH MARTIN**
[NES-1](#)

MOTION TO CONFIRM PLAN
3-31-2023 [\[46\]](#)

JOSEPH MARTIN/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

Joseph Wayne Martin ("Debtor") moves for an order confirming the
Chapter 13 Plan dated March 31, 2023. Doc. #46.

Chapter 13 trustee Michael H. Meyer ("Trustee") timely filed written
opposition. Doc. #56. Debtor replied and the Trustee withdrew the
opposition. Docs. ##62-63; #65. No other parties in interest timely
opposed.

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

Here, the 60-month, 100%-dividend plan proposes that Debtor shall pay
\$4,770.00 per month for months 1-4, and then \$4,001.00 per month for
months 5-60. Doc. #60. Debtor's *Amended Schedules I & J* dated March
31, 2023 indicate receipt of \$4,107.84 in monthly net income.
Doc. #44.

Trustee's withdrawn objection was brought under 11 U.S.C. § 1325(a)(6)
on the basis that Debtor will not be able to make all payments under
the plan and comply with the plan. Doc. #56. Debtor had a total

delinquency due before the hearing of \$8,002.00. *Id.* Debtor cured that delinquency by paying all amounts due on May 10, 2023, resulting in Trustee's withdrawal of opposition. Docs. ##62-63; #65.

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

5. [19-11646](#)-B-13 **IN RE: SHONA WOOD**
[WSL-1](#)

MOTION TO MODIFY PLAN
3-27-2023 [[21](#)]

SHONA WOOD/MV
RAJ WADHWANI/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.

Shona Lee Wood ("Debtor") moves for an order confirming the *1st Modified Chapter 13 Plan* dated March 27, 2023. Doc. #21. No party in interest timely filed written opposition.

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

The 60-month, 100%-dividend plan proposes that Debtor shall make \$785.00 per month for 46 months, and \$1,507.00 per month for 14 months (beginning March 2023). Doc. #23. Debtor's *Amended Schedules I & J* filed March 27, 2023 indicate receipt of \$1,820.16 in monthly net income, which is sufficient to fund the proposed plan payment.

Doc. #25. The plan also includes a provision that EDFinancial, on behalf of the U.S. Department of Education ("EDFinancial"), filed proof of claim no. 4 in the amount of \$37,808.31. As of March 17, 2023, the trustee has paid "\$14,7854.00" on account of Claim 4, and the plan allows Debtor to pay her student loans directly to EDFinancial. This appears to be a typographical error that should be corrected in the order confirming plan.

In contrast, the operative *Chapter 13 Plan* dated April 23, 2019, confirmed July 15, 2019, provides that Debtor shall make 60 monthly payments of \$785.00 per month with a 100% dividend to allowed, non-priority unsecured claims. Docs. #2; #18. No party in interest timely filed written opposition.

Accordingly, this motion will be GRANTED. The confirmation order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall correct the typographical error in the additional provisions.

6. [22-12056](#)-B-13 **IN RE: SHANNON HAGER**
[PK-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
4-19-2023 [[44](#)]

IAN MCGILVRAY/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
PATRICK KAVANAGH/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

7. [21-12559](#)-B-13 **IN RE: JOANNA CAVAZOS**
[TCS-2](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF LAW OFFICES OF
TIMOTHY C SPRINGER FOR TIMOTHY C SPRINGER, DEBTORS
ATTORNEY(S)
4-18-2023 [[34](#)]

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.

The Law Office of Timothy C. Springer ("Applicant"), counsel for Joanna Lynn Cavazos ("Debtor"), requests compensation in the sum of \$9,455.00 on an interim basis under 11 U.S.C. § 331, subject to final review pursuant to § 330. Doc. #34. This amount is solely for fees as reasonable compensation for services rendered from June 6, 2021 through March 5, 2023. *Id.*

Debtor executed a statement of consent on March 21, 2023, indicating that Debtor has reviewed the fee application and has no objections. *Id.* § 9(7) at 5.

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and Fed. R. Bankr. P. ("Rule") 2002(a)(6). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys. Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Section 3.05 of the *First Modified Chapter 13 Plan* dated June 23, 2022, confirmed August 19, 2022, provides that Applicant was paid \$212.00 prior to filing the case and, subject to court approval, additional fees of \$9,788.00 shall be paid through the plan upon court approval by filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, Rules 2002, 2016-17. Docs. #24; #31. The *Disclosure of Compensation* Form B2030 indicates that the \$313.00 filing fee has been paid. Doc. #1.

This is Applicant's first interim fee application. Doc. #34. Applicant's firm provided 26.7 billable hours of legal services at the following rates, totaling **\$9,455.00** in fees:

| Professional | Rate | Hours | Fees |
|-------------------------------|-------|--------------|-------------------|
| Timothy C. Springer | \$400 | 7.80 | \$3,120.00 |
| Nancy D. Klepac | \$400 | 14.00 | \$5,600.00 |
| Virginia Ellis | \$150 | 4.90 | \$735.00 |
| Total Hours & Fees | | 26.70 | \$9,455.00 |

Id.; *Exs. B-C*, Doc. #36. Applicant did not incur any expenses.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3).

Applicant's services here included, without limitation: (1) advising Debtor about bankruptcy and nonbankruptcy alternatives; (2) preparing schedules, plan, and confirming plan; (3) preparing for and attending the meeting of creditors; and (4) modifying the chapter 13 plan (TCS-1). The court finds these services reasonable. No party in interest timely filed written opposition and Debtor has consented to payment of the proposed fees. Doc. #34.

Accordingly, this motion will be GRANTED. Applicant shall be awarded \$9,455.00 in fees in fees on an interim basis under 11 U.S.C. § 331, subject to final review under § 330. After application of the \$212.00 pre-petition payment, the chapter 13 trustee, in the trustee's discretion, will be authorized to pay Applicant \$9,243.00 for services rendered from June 6, 2021 through March 5, 2023.

8. [22-10975](#)-B-13 **IN RE: MIRALDA GOMEZ**
[SL-3](#)

MOTION TO MODIFY PLAN
4-6-2023 [\[69\]](#)

MIRALDA GOMEZ/MV
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

Miralda Gomez ("Debtor") moves for an order confirming *Debtor's First Modified Chapter 13 Plan* dated April 6, 2023. Doc. #69. No party in interest timely filed written opposition.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver

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

The 60-month plan proposes that Debtor shall make monthly payments of \$775.00, Debtor shall pay no less than \$4,650.00 to the chapter 13 trustee by March 25, 2023, and a 6% dividend will be paid to allowed, non-priority unsecured claims. Doc. #70. Debtor's *Amended Schedules I & J* dated April 7, 2023 indicate receipt of \$776.74 in monthly net income, which is sufficient to fund the proposed payment.

The plan also contains a provision under 11 U.S.C. § 1322(a)(2) and *In re Johnson*, 344 B.R. 104 (B.A.P. 9th Cir. 2006), indicating that attorney fees and costs approved under § 330 but remaining unpaid upon the completion of the case shall not be discharged and shall be paid by Debtor before or after entry of discharge if (1) Debtor's attorney fees and costs are approved under § 330, (2) based on the circumstances of this case, the court determines said fees and costs should be non-dischargeable, and (3) prior to submitting a fee application, Debtor's counsel shall meet in person with Debtor to explain what fees are anticipated to be paid through the plan and what fees are anticipated to be paid following discharge. Doc. #70.

In contrast, the operative *Chapter 13 Plan* dated September 14, 2022, confirmed January 18, 2023, provides that Debtor will make 60 monthly payments of \$775.00 and pay a 6% dividend to allowed, non-priority unsecured claims. Docs. #36; #61. No party in interest timely filed written opposition.

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

9. [23-10392](#)-B-13 **IN RE: HUMBERTO/NANCY VIDALES**
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
4-17-2023 [\[21\]](#)

MICHAEL MEYER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled as moot.

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

Humberto Crispin Vidales and Nancy E. Garcia Vidales (collectively "Debtors") filed an *ex parte* motion to voluntarily dismiss this case under 11 U.S.C. § 1307(b) on May 12, 2023. Doc. #43.

This matter will be called as scheduled because Debtors did not submit a proposed order to dismiss the case. The court is inclined to OVERRULE AS MOOT this objection because the case will be dismissed.

10. [23-10392](#)-B-13 **IN RE: HUMBERTO/NANCY VIDALES**
[APN-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY MEDALLION BANK
4-14-2023 [\[17\]](#)

MEDALLION BANK/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
AUSTIN NAGEL/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled as moot.

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

Humberto Crispin Vidales and Nancy E. Garcia Vidales (collectively "Debtors") filed an *ex parte* motion to voluntarily dismiss this case under 11 U.S.C. § 1307(b) on May 12, 2023. Doc. #43.

This matter will be called as scheduled because Debtors did not submit a proposed order to dismiss the case. The court is inclined to OVERRULE AS MOOT this objection because the case will be dismissed.

11. [23-10392](#)-B-13 **IN RE: HUMBERTO/NANCY VIDALES**
[MHM-2](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
4-20-2023 [\[27\]](#)

TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled as moot.

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

Humberto Crispin Vidales and Nancy E. Garcia Vidales (collectively "Debtors") filed an *ex parte* motion to voluntarily dismiss this case under 11 U.S.C. § 1307(b) on May 12, 2023. Doc. #43.

This matter will be called as scheduled because Debtors did not submit a proposed order to dismiss the case. The court is inclined to OVERRULE AS MOOT this objection because the case will be dismissed.

11:00 AM

1. [23-10029](#)-B-7 **IN RE: LOUIS/AMY GENARO**
[23-1020](#) [CAE-2](#)

ORDER TO SHOW CAUSE
4-17-2023 [[13](#)]

GENARO V. AMERICAN EXPRESS NATIONAL BANK

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

DISPOSITION: Vacated.

ORDER: The court will issue an order.

Defendant American Express National Bank filed a Corporate Ownership Statement (Doc. #14) on April 19, 2023 as required by Fed. R. Bankr. P. 7007.1 and the *Order to Show Cause* ("OSC"). Doc. #13. Accordingly, the OSC will be VACATED.