



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California
Hearing Date: Tuesday, May 20, 2025**

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

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

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

Please also note the following:

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

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

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

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

9:30 AM

1. [25-10619](#)-B-11 **IN RE: BLACK ROCK MINING, LLC**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
2-28-2025 [[1](#)]

STEPHEN WADE/ATTY. FOR DBT.

NO RULING.

2. [25-10619](#)-B-11 **IN RE: BLACK ROCK MINING, LLC**
[MB-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
3-25-2025 [[26](#)]

COMMERCIAL CREDIT GROUP INC./MV
STEPHEN WADE/ATTY. FOR DBT.
HAGOP BEDOYAN/ATTY. FOR MV.

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

DISPOSITION: Dropped from calendar.

ORDER: The court will prepare the order.

On May 8, 2025, Debtor Black Rock Mining, LLC and Creditor Commercial Credit Group, Inc. filed a Joint Stipulation which resolves this Motion for Relief from Stay. Doc. #52. Accordingly, this matter will be DROPPED from the calendar.

3. [25-10619](#)-B-11 **IN RE: BLACK ROCK MINING, LLC**
[WDM-1](#)

MOTION TO EMPLOY W. DEREK MAY AS ATTORNEY(S)
5-5-2025 [\[48\]](#)

BLACK ROCK MINING, LLC/MV
STEPHEN WADE/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. Order preparation determined at the hearing.

Black Rock Mining, LLC, Debtor and Debtor in Possession, ("Debtor") submits this Application for entry of an order authorizing the employment of the Law Office of W. Derek May (the "Firm") as the Debtor's general insolvency counsel in this case (the "Application").

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

This motion was filed and served 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.

11 U.S.C. § 1107 gives a chapter 11 debtor in possession all rights and powers of a trustee, other than the right to compensation under § 330, and requires the debtor in possession to perform all the functions and duties of a trustee, except those specified in § 1106(a)(2), (3), and (4).

Under 11 U.S.C. § 327(a), a professional person, such as an attorney, can be employed by the estate with the court's approval to represent or assist the trustee [debtor in possession] in carrying out its duties provided that the proposed professional does not hold or represent an interest adverse to the estate and is a "disinterested person," as defined by 11 U.S.C. § 101(4). In a chapter 11 case, a person is not disqualified for employment solely because of such person's employment by or representation of a creditor, unless there is an objection from the creditor or the UST. § 327(c).

11 U.S.C. § 328(a) permits employment of "a professional person under section 327" on "any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, on a fixed or percentage

fee basis, or on a contingent fee basis." Section 328(a) further "permits a professional to have the terms and conditions of its employment pre-approved by the bankruptcy court, such that the bankruptcy court may alter the agreed-upon compensation only 'if such terms and conditions and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of such terms and conditions.'" *In re Circle K Corp.*, 279 F.3d 669, 671 (9th Cir. 2002).

Derek May, on behalf of the Firm, has filed a Declaration attesting to his qualifications to represent Debtor and that neither he nor his Firm have any conflicts of interest with Debtor or the Estate and that the Firm is a "disinterested person" within the meaning of § 101(4). May further declares that he has reviewed the Firm's records and that there has been no prior or current representation by the Firm of any creditor or party in interest. Doc. #50. May does admit that he was a former employee of Stephen R. Wade ("Wade") a former member of Debtor and co-borrower on several debts owed by Debtor. *Id.* Wade also paid the pre-petition retainer on behalf of Debtor. *Id.*

Here, Applicant's Declaration indicates that Applicant does not hold or represent an interest adverse to the estate and is a "disinterested person."

This matter will be called and proceed as scheduled. Written opposition was not required and may be presented at the hearing. Absent opposition, the court may find that Applicant does not hold or represent an interest adverse to the estate and is a "disinterested person," and this motion will be GRANTED.

4. [25-10345](#)-B-12 **IN RE: KENNETH/BEVERLY ZWART**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-6-2025 [\[1\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.

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

DISPOSITION: Continued to June 24, 2025, at 9:30 a.m.

ORDER: The court will prepare the order.

On May 6, 2025, the Debtors in the above-styled Chapter 12 proceeding filed their Chapter 12 Plan and their motion to confirm same. Docs. ##28-29. Accordingly, this Status Conference will be continued to June 24, 2025, at 9:30 a.m. to be heard in conjunction with the Motion for Confirmation.

5. [24-12751](#)-B-11 **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**
[MML-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
4-16-2025 [[185](#)]

THE LAW FIRM OF MALLISON & MARTINEZ/MV
PETER FEAR/ATTY. FOR DBT.
HECTOR MARTINEZ/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

ORDER: Movant to prepare the order in conformance with the
 ruling below.

Francisco Garcia, Lorenzo Vasquez, Ricardo Cirilo Martinez, and the Law Firm of Mallison & Martinez, on behalf of themselves and all others similarly situated (collectively "Movants") ask the court to lift the automatic stay to allow Movants' lawsuit to proceed against Bikram Singh and Harsimran Sandhu ("Debtor-Defendants") for various violations of the California Labor Code. Doc. #185. The state court proceeding is before the Superior Court of Madera County and is styled Garcia et al. v. Arjun Farms et al., Case No. MCV091417 ("the Madera County Case"). Doc. #190 (Exhibit 1).

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's factual allegations will be taken as true (except those relating to amounts of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006).

On May 8, 2025, the Debtor-Defendants filed a Response stating that they did not oppose the requested relief. No other party in interest timely filed written opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED.

The automatic stay in this case is hereby modified to the extent necessary to allow Movants to proceed against Debtor-Defendants to a final judgment to liquidate the claim against this estate, if any, in the Madera County Case. However, any relief shall be limited to the extent of the Debtor-Defendants' insurance coverage, if any. In no event shall there be any judgment collection against the Debtor-Defendants or the estate assets without further order from this court.

6. [25-11064](#)-B-11 **IN RE: CHEEMA INVESTMENTS, LLC**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
4-21-2025 [[30](#)]

BEILAL CHATILA/ATTY. FOR DBT.

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

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

7. [25-11064](#)-B-11 **IN RE: CHEEMA INVESTMENTS, LLC**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
4-2-2025 [[1](#)]

BEILAL CHATILA/ATTY. FOR DBT.

NO RULING.

8. [25-11088](#)-B-11 **IN RE: CHEEMA BROTHERS LOGISTICS, INC.**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
4-21-2025 [[32](#)]

BEILAL CHATILA/ATTY. FOR DBT.

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

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

9. [25-11088](#)-B-11 **IN RE: CHEEMA BROTHERS LOGISTICS, INC.**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
4-2-2025 [[1](#)]

BEILAL CHATILA/ATTY. FOR DBT.

NO RULING.

10. [25-10996](#)-B-11 **IN RE: PARJODH SINGH AND SARAVJEET KAUR**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
3-31-2025 [[1](#)]

NO RULING.

11:00 AM

1. [25-10045](#)-B-7 **IN RE: MONIQUEKA RABARA**

REAFFIRMATION AGREEMENT WITH CONSUMER PORTFOLIO SERVICES, INC.
4-9-2025 [[18](#)]

GRISELDA TORRES/ATTY. FOR DBT.

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

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

A Reaffirmation Agreement between Moniqueka C. Rabara ("Debtor") and Consumer Portfolio Services, Inc. for a 2016 Honda Odyssey (VIN 5FNRL5H93GB047615) ("Vehicle") was filed on April 9, 2025. Doc. #18.

11 U.S.C. § 524(c)(6)(A)(ii) states "An agreement between a holder of a claim and the debtor, the consideration for which, in whole or in part, is based on a debt that is dischargeable in a case under this title is enforceable only to any extent enforceable under applicable non-bankruptcy law, whether or not discharge of such debt is waived, only if the court approves such agreement as in the best interest of the debtor."

Here, the Vehicle is valued at \$20,000.00. The amount being reaffirmed by Debtor is \$25,304.92 with an 11% interest rate. Debtor has negative equity of \$5,304.92 with approximately 65 months (over five years) remaining on the loan and \$197.01 remaining in the budget every month. According to the Debtor's Schedule J, "Debtor is in the process of obtaining another vehicle. Her monthly car payment will use the remaining net income." Reaffirming this debt is not in the Debtor's best interest.

2. [25-10095](#)-B-7 **IN RE: KELLY PHONSAVATH**

PRO SE REAFFIRMATION AGREEMENT WITH NAVY FEDERAL CREDIT UNION
5-2-2025 [[25](#)]

NO RULING.

1:30 PM

1. [25-10943](#)-B-7 **IN RE: SAMANTHA SOLIS**

MOTION FOR WAIVER OF THE CHAPTER 7 FILING FEE
3-27-2025 [[3](#)]

SCOTT LYONS/ATTY. FOR DBT.

NO RULING.

2. [22-11587](#)-B-7 **IN RE: CARY SHAKESPEARE**
[DMG-5](#)

MOTION TO SELL
4-21-2025 [[116](#)]

JEFFREY VETTER/MV
LEONARD WELSH/ATTY. FOR DBT.
D. GARDNER/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn.

No order is required.

On May 15, 2025, the Trustee-Movant entered a Notice of Withdrawal as to this *Motion to Sell*. Accordingly, this motion is WITHDRAWN.