



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, May 21, 2026
Department A - Courtroom #11
Fresno, California

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at Courtroom #11, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

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

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

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

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.

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. [26-10904](#)-A-13 **IN RE: SUSAN/TERRILL COX**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-23-2026 [\[17\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This motion to confirm is OVERRULED AS MOOT. The debtors filed a first amended plan on May 20, 2026 (SLC-3, Doc. #28), with a motion to confirm the modified plan set for hearing on July 9, 2026 at 9:30 a.m. Doc. ##25-29.

2. [25-13205](#)-A-13 **IN RE: ROSALINDA/FRANK TERRONES**
[TAM-1](#)

CONTINUED MOTION TO CONFIRM PLAN
3-12-2026 [\[42\]](#)

FRANK TERRONES/MV
THOMAS MOORE/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew the opposition, stating the debtors have resolved the issues raised in Trustee's opposition. See Opp'n, Doc. #47; Opp'n Withdrawal, Doc. #61. 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.

3. [26-10609](#)-A-13 **IN RE: ALEJANDRO HERNANDEZ AND KRISTINA TREADWELL**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-26-2026 [\[14\]](#)

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

This objection was initially set for hearing on April 16, 2026 and was continued to May 21, 2026 pursuant to the court's order to allow the debtors time to respond to the issues raised in the trustee's objection. Doc. ##14, 20.

Alejandro Hernandez and Kristina Anne-Marie Treadwell (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on February 16, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because, among other things, a motion to value the collateral of Consumer Portfolio Services ("Creditor") needs to be filed for Trustee to determine feasibility. Doc. #20. On January 29, 2026, Creditor filed a proof of claim asserting the expected payoff date as July 5, 2028, which is during the term of the Plan. Claim 3.

Debtors responded to Trustee's objection stating that Debtors have determined they will not be filing a motion to value and the order confirming plan will provide for the allowance of the proof of claim of Creditor. Doc. #31. In the reply, Trustee states the Plan places Creditor in Class 2(B), which is for claims reduced based on value of collateral. Because of Debtors' response, Creditor will need to be placed in Class 2(A), which is for claims not reduced based on value of collateral. Plan, Doc. #3; Doc. #32.

Since Creditor cannot be placed in Class 2(B) if Debtors are not filing a motion to value the collateral of Creditor, Creditor must be placed in a different class, which requires the filing of a new chapter 13 plan and the noticing of a motion to confirm that plan. Because a new plan must be filed to resolve this objection, the court sustains the objection.

Accordingly, the objection is SUSTAINED.

4. [26-10609](#)-A-13 **IN RE: ALEJANDRO HERNANDEZ AND KRISTINA TREADWELL**
[SD-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CONSUMER PORTFOLIO
SERVICES, INC.
3-17-2026 [[12](#)]

CONSUMER PORTFOLIO SERVICES, INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHANNON DOYLE/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The court is sustaining the trustee's objection to confirmation [LGT-1] above.
Therefore, this objection to confirmation [SD-1] is OVERRULED AS MOOT.

5. [22-11711](#)-A-13 **IN RE: CHRISTINA MARTINEZ**
[RSW-2](#)

MOTION TO MODIFY PLAN
4-15-2026 [[100](#)]

CHRISTINA MARTINEZ/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew the opposition, stating the debtor has resolved the issues raised in Trustee's opposition. See Opp'n, Doc. #107; Opp'n Withdrawal, Doc. #109. 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.

6. [26-11017](#)-A-13 **IN RE: YESICA COLMENARES**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-28-2026 [[12](#)]

LILIAN TSANG/MV
PETER SAUER/ATTY. FOR DBT.

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

DISPOSITION: Continued to June 25, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

On March 10, 2026, Yesica Velazquez Colmenares ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan"). Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) Debtor's Plan payment needs to be increased for the Plan to be feasible; (2) Trustee requests verification to support the tax expense listed on Debtor's Schedule I; (3) Trustee requests amended documents that accurately reflect Debtor's monthly obligation to Educational Employees Creditor Union for the 2022 Tesla Model 3; and (4) the Plan improperly classifies Madera County Property Tax Collector's claim. Doc. #12.

This objection will be continued to June 25, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than June 11, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by June 18, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 18, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

7. [25-11923](#)-A-13 **IN RE: IRIS MURILLO**
[PK-1](#)

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

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

NO RULING.

8. 26-10127-A-13 **IN RE: ESTEVAN/DIANA PEREZ**
BDB-2

MOTION TO CONFIRM PLAN
4-15-2026 [39]

DIANA PEREZ/MV
BENNY BARCO/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

9. 26-10730-A-13 **IN RE: CHRISTOPHER MARTIN**
LGT-2

MOTION TO DISMISS CASE
4-13-2026 [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 the debtor that is prejudicial to creditors. Doc. #22. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) provide Trustee with required documents; (2) accurately file schedules and/or statements; and (3) commence making payments due under the plan. As of April 13, 2026, plan payments were delinquent in the amount of \$5,000.00. While this motion is pending, further plan payments will come due. In addition to the delinquency amount, the debtor must also make the monthly plan payment of \$5,000.00 for April 25, 2026. 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 the debtor that is prejudicial to creditors because the debtor failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

A review of the debtor’s Schedules A/B, C and D shows that there is no equity in the debtor’s assets after considering secured claims and the debtor’s claimed exemptions. Doc. #1. Because there is no non-exempt equity in the debtor’s assets to be realized for the benefit of the estate if the debtor’s bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED, and the case dismissed.

10. 26-11041-A-13 **IN RE: MATTHEW MORALEZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
4-28-2026 [18]

BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION: Continued to June 25, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Matthew Dillion Moralez I (“Debtor”) filed a voluntary petition under chapter 13 on March 11, 2026 along with a chapter 13 plan (“Plan”) on March 20, 2026. Doc. ##1, 10. The chapter 13 trustee (“Trustee”) objects to confirmation of the Plan because (1) Debtor’s Plan payments need to be increased from \$4,655.00 to \$4,674.36; (2) Debtor is currently delinquent in Plan payments in the amount of \$4,655.00, with an additional payment in the amount of \$4,655.00 coming due May 25, 2026; (3) Debtor’s Plan proposes \$0.00 to general unsecured claims but may need to be a 100% plan to general unsecured claims; and (4) the meeting of creditors has not yet concluded. Doc. #18. Debtor’s 341 meeting of creditors has been continued to May 21, 2026 at 10:00 a.m. See court docket entry on April 21, 2026.

This objection will be continued to June 25, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee’s objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than June 11, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor’s position. Trustee shall file and serve a reply, if any, by June 18, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 18, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be

sustained on the grounds stated in Trustee's objection without a further hearing.

11. [26-10745](#)-A-13 **IN RE: ROGER BECKMAN**
[LGT-1](#)

MOTION TO DISMISS CASE
4-10-2026 [\[32\]](#)

LILIAN TSANG/MV
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date as required by Local Rule of Practice 9014-1(f)(1). Roger C. Beckman ("Debtor") timely filed written opposition on April 29, 2026. Doc. #41. This matter will proceed as scheduled.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case for unreasonable delay by Debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)). Doc. #32. Specifically, Trustee asks the court to dismiss this case for Debtor's failure to: (1) set a plan for hearing with notice to creditors; (2) provide Trustee with all of the documentation required by 11 U.S.C. § 521 and the local rules; (3) file accurate and/or complete schedules; and (4) commence making Plan payments. Id. As of April 10, 2026, Debtor was delinquent in the amount of \$500.00, with an additional Plan payment of \$500.00 coming due on April 25, 2026. Id. A review of Debtor's Schedules A/B, C and D shows that Debtor has filed inaccurate and/or incomplete schedules, which does not allow Trustee to determine liquidation in this case. Id. Trustee states that dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate. Id.

On April 29, 2026, Debtor responded to the instant motion asserting he is trying his best to prosecute this bankruptcy case by planning to cure his delinquency before May 3, 2026, provided all required documents to Trustee on April 16, 2026, is currently seeking counsel, and will be filing an amended chapter 13 plan. Doc. #41. A review of the court's docket shows, to date, an amended chapter 13 plan has not been filed nor has an attorney substituted in to represent Debtor in this case. Further, Debtor failed to appear at the continued § 341 meeting of creditors, which has been further continued to June 4, 2026. See court docket entry on May 7, 2026.

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 appears to be cause to dismiss Debtor's chapter 13 case under § 1307(c)(1) because Debtor has not filed and set a plan for hearing, has not provided Trustee with all required

documents, has filed incomplete and/or inaccurate schedules, and has failed to commence plan payments.

A review of Debtor's Schedules A/B, C and D shows that Debtor has filed incomplete schedules. Because Debtor has not filed complete schedules and because Debtor failed to appear at the continued § 341 meeting of creditors, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, this motion will be GRANTED.

12. [26-10546](#)-A-13 **IN RE: JAMES LEACH AND EBONY GRAHAM**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
3-27-2026 [\[16\]](#)

LILIAN TSANG/MV
NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

James Junior Leach and Ebony Jamila Graham (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on February 10, 2026. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtors' Plan and Schedule E/F fail to list the claim of the Franchise Tax Board; (2) a motion to value the collateral of Santander Bank needs to be filed for Trustee to determine feasibility; (3) Debtors' monthly Plan payments need to be increased; (4) the attorney's fees monthly dividend for Debtors' counsel needs can be no more than \$158.34 per month instead of \$300.00 as proposed in the Plan; (5) Trustee needs payment advices for the pay periods of August 1, 2025 through November 30, 2025; (6) either an amended Schedule A/B needs to be filed to include Debtors' tax refund or a declaration needs to be filed explaining how the tax refund was expended pre-petition; and (7) the meeting of creditors has not yet concluded. Doc. #16. The court continued this matter to May 21, 2026 and ordered Debtors to file and serve a written response to Trustee's objection by May 7, 2026; or if Debtors elected to withdraw this Plan, then Debtors had to file, serve, and set for hearing a confirmable modified plan by May 14, 2026. Order, Doc. #24.

Having reviewed the docket in this case, the court finds Debtors have not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtors have not filed and served any written response to Trustee's objection. Debtors have not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

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

13. [26-10947](#)-A-13 **IN RE: ARACELI AYON**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-28-2026 [[12](#)]

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

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

DISPOSITION: Continued to June 25, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Araceli Molina Ayon ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on March 5, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) Trustee requests verification of the legal claim showing it is for personal bodily injury damages, (2) Trustee requests proof that Debtor has been regularly paying \$250.00 per month to Chase for use of her mother's credit card for the six months prior to filing the bankruptcy case, and (3) an amended Statement of Financial Affairs needs to be filed to accurately reflect Debtor's marital status. Doc. #12.

This objection will be continued to June 25, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than June 11, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by June 18, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 18, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

14. [26-10948](#)-A-13 **IN RE: DAMON/MELISA RAY**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-21-2026 [[12](#)]

LILIAN TSANG/MV
ROBERT WILLIAMS/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 on May 7, 2026. Doc. #15.

15. [26-11655](#)-A-13 **IN RE: JOSEPH PENA AND MARIA GALVEZ**
[FW-1](#)

MOTION TO VALUE COLLATERAL OF NOBLE CREDIT UNION
4-23-2026 [10]

MARIA GALVEZ/MV
GABRIEL WADDELL/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.

Joseph Stephen Pena and Maria Del Carmen Galvez (together, "Debtors"), the debtors in this chapter 13 case, move the court for an order valuing Debtors' 2018 Jeep Wrangler JK Unlimited Sport S Sport Utility, ("Vehicle"), which is the collateral of Noble Credit Union ("Creditor"), at \$13,040.00. Doc. #10.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that where the debtor is an individual in a chapter 13 case, the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtors assert the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Maria Del Carmen Galvez, Doc. #12. Debtors assert a replacement value of the Vehicle of \$13,040.00 and ask the court for an order valuing the Vehicle at \$13,040.00. Id. Debtors are competent to testify as to

the value of the Vehicle. The Property is currently encumbered with a security claim from Creditor in the amount of \$13,040.00. Schedule D, Doc. #1; Claim 8.

The motion is GRANTED. Creditor's secured claim will be fixed at \$13,040.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

16. [25-10459](#)-A-13 **IN RE: DANIEL/MADALENA HENSLEY**
[RSW-3](#)

OBJECTION TO CLAIM OF VICKI FRAZIER AS TRUSTEE OF THE PHILLIP A. HANNAH SURVIVOR'S TRUST, CLAIM NUMBER 5
4-3-2026 [[87](#)]

MADALENA HENSLEY/MV
ROBERT WILLIAMS/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 matter is OVERRULED WITHOUT PREJUDICE for improper notice.

Service of the objection to claim does not comply with Local Rule of Practice 3007-1(c), which provides that "[a]n objection to a proof of claim shall be served on the claimant at the address on the proof of claim and the address listed in the schedules, if different from the claimant's address noted on the proof of claim." Here, the claimant was served with the objection to claim at: "Vicki Frazier, as Trustee of the Phillip A. Hannah Trust, 6301 Bellorita Drive, Bakersfield, California 93306" and "Vicki Frazier, as Trustee of the Phillip A. Hannah Trust C/O Denison Werner LLP, 4200 Truxtun Avenue, Suite 101, Bakersfield, California 93309." Doc. #90. However, in the proof of claim, the claimant stated that notices to the claimant be sent to "Vicki Frazier, as Trustee of the Phillip A. Hannah Trust C/O Denison Werner Macias Travis, LLP, 9100 Ming Avenue, Suite 201, Bakersfield, California 93311". Claim 5. Because the objection to claim was not served on the address claimant listed in her proof of claim, the objection was not served properly on the claimant. This objection to claim is overruled without prejudice.

17. [26-10462](#)-A-13 **IN RE: SANTIAGO RAMIREZ BETERAN AND NORMA BETERAN**
[SRB-3](#)

MOTION TO CONFIRM PLAN
4-13-2026 [[61](#)]

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

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 failure to comply with this court's local rules.

The certificate of service included a custom service list. Doc. #64. However, more than six people were served, so a custom list is not permitted under Local Rule of Practice ("LBR") 7005-1(a). Instead, not more than 7 days prior to the date notice was served, the moving party needed to use the court's website to generate a Clerk's Matrix of Creditors, a Matrix of Registered Users of the Electronic Filing System and a list of persons who have filed Requests for Special Notice to serve the motion and supporting papers and attach those lists to the certificate of service. Instructions on how to generate the required lists can be found on the court's website using the following link: [GeneratingMailingListsandLabelsQuickReference.pdf \(uscourts.gov\)](#).

As a further procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). Movant used the same DCN for this motion that was used for a prior motion to confirm plan in violation of LBR 9014-1(c)(4). Compare Doc. #52 with Doc. #61. A new DCN should have been used for this motion.

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>.

18. [22-11666](#)-A-13 **IN RE: LAWRENCE CHANG**
[SLL-2](#)

MOTION FOR COMPENSATION FOR STEPHEN LABIAK, DEBTORS ATTORNEY(S)
4-9-2026 [[56](#)]

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 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 moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Stephen L. Labiak ("Movant"), counsel for Lawrence Chang ("Debtor"), the debtor in this chapter 13 case, requests interim allowance of compensation in the amount of \$1,820.00 and no reimbursement for expenses for services rendered from December 21, 2022 through April 6, 2026. Doc. #56. Debtor's confirmed plan provides for \$10,000.00 in attorney's fees to be paid through the plan. Plan, Doc. ##3, 24. One prior fee application has been approved authorizing interim compensation in the amount of \$8,295.00 and reimbursement of expenses in the amount of \$22.50. Order, Doc. #35.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Here, Movant demonstrates services rendered relating to: (1) communicating with Debtor regarding his mortgage; (2) answering questions regarding potential debt Debtor could incur during his bankruptcy case; (3) checking in on Debtor's plan payments and estimated completion date annually; (4) preparing the fee application; and (5) general case administration. Ex. A, Doc. #59. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$1,820.00 and no reimbursement for expenses to be paid in a manner consistent with the terms of the confirmed plan.

19. [26-10467](#)-A-13 **IN RE: MICHALE HEAGEY SEPRISH**
[RAS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST COMPANY, NATIONAL
ASSOCIATION
4-13-2026 [[27](#)]

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION/MV
SHANA STARK/ATTY. FOR MV.
CASE DISMISSED 5/7/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on May 7, 2026. Doc. #32. Therefore,
this objection is OVERRULED AS MOOT.

20. [26-10470](#)-A-13 **IN RE: CHRISANTO/TIFFANY MARTINEZ**
[LGT-1](#)

MOTION TO DISMISS CASE
4-17-2026 [[54](#)]

LILIAN TSANG/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

Because the trustee's motion to dismiss is based in part on the debtor's
delinquent plan payments, the trustee's motion to dismiss will be continued to
June 11, 2026 at 9:30 a.m. to be heard with the hearing on the debtor's motion
to confirm plan (LGT-6). Doc. ##58-63.

21. [26-10970](#)-A-13 **IN RE: CARLA BACKLIN**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-24-2026 [[17](#)]

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

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

DISPOSITION: Continued to June 25, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Carla Sue Backlin ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on March 6, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) an amended Schedule D needs to be filed to reflect the claim of secured creditor U.S Department of Housing; (2) Trustee requests documentation to confirm Debtor only holds a 1/3 interest in real property located at 9197 12th Avenue, Hanford, California; (3) Debtor has failed to disclose the inheritance and life insurance rights in her Schedule A/B; and (4) the meeting of creditors has not yet concluded. Doc. #17. Debtor's 341 meeting of creditors has been continued to May 21, 2026 at 11:00 a.m. See court docket entry on April 21, 2026.

This objection will be continued to June 25, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than June 11, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by June 18, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 18, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

22. [24-23175](#)-A-13 **IN RE: DAVID FRIAS**
[BLG-4](#)

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

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

NO RULING.

23. [24-23175](#)-A-13 **IN RE: DAVID FRIAS**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
2-20-2026 [[107](#)]

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

NO RULING.

24. [25-21176](#)-A-13 **IN RE: EVELINA TSVETANOVA**
[RDW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY, MOTION/APPLICATION FOR ADEQUATE
PROTECTION
4-23-2026 [[42](#)]

WILMINGTON SAVINGS FUND SOCIETY, FSB/MV
MARK SHMORGON/ATTY. FOR DBT.
REILLY WILKINSON/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part and 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 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). Therefore, the defaults of the non-responding parties in interest are entered.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #47. However, Federal Rules of Bankruptcy Procedure ("Rule") 4001(a) (1) and 9014(b) require service of a motion for relief from stay to be made pursuant to Rule 7004 on the debtor, which was done here. In Section 6, the declarant should have checked the appropriate boxes under both Section 6A and Section 6B.

The movant, Wilmington Savings Fund Society, FSB as owner trustee of the Residential Credit Opportunities Trust VIII-C ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d) (1) and (d) (2) with respect to real property located at 503 Monet Court, Folsom, California 95630 ("Property"). Doc. #42. Movant also seeks relief from the codebtor stay under 11 U.S.C. § 1301(c). Doc. #42. Debtor Evelina Tsvetanova ("Debtor") and Milen Tsvetanova ("Codebtor") executed a promissory note, which Movant has in its possession. Decl. of Tom French, Doc. #44; Ex. A, Doc. #46. The promissory note is secured

by a first deed of trust on the Property. French Decl., Doc. #44, Ex. D, Doc. #46.

Analysis under section 11 U.S.C. § 362(d) (1)

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).

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtor has failed to make at least ten complete post-petition payments to Movant. French Decl., Doc. #44. Movant has produced evidence that Debtor is delinquent by at least \$32,981.65 as of April 1, 2026. Id.

Analysis under section 11 U.S.C. § 362(d) (2)

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.

However, the court finds that Debtor has equity in the Property. The Property is valued at \$489,300.00 and Debtor owes \$2,956.38 in delinquent real property taxes, \$440,059.73 to Movant, and \$33,922.34 to Rivage Condominium Association, all of which are secured by liens against the Property. Schedule A/B, Doc. #1; French Decl., Doc. #44. The amount of liens against the Property is less than the value of the Property, so Debtor has equity in the Property. Movant's request for relief from stay under 11 U.S.C. § 362(d) (2) is denied.

Analysis under section 11 U.S.C. § 1301(c) (3)

Section 1301 of the Bankruptcy Code provides for a codebtor stay that prohibits a creditor from acting to collect any part of a consumer debt from an individual that is liable on the debt with the bankruptcy debtor. 11 U.S.C. § 1301(a). The term 'consumer debt' means debt incurred by an individual primarily for a personal, family, or household purpose. 11 U.S.C. § 101(8). Here, while the Property is not currently Codebtor's primary residence, the Property is the current primary residence of Debtor, and the deed of trust indicates that the loan was for a consumer debt. Schedule A/B & H, Doc. #1; Ex. D, Doc. #46. Thus, the court finds that the codebtor stay of 11 U.S.C. § 1301(a) applies to the Property.

Relief from the codebtor stay must be granted if "such creditor's interest would be irreparably harmed by continuation of such stay." 11 U.S.C. § 1301(c) (3). Here, Debtor's chapter 13 plan does not provide for Movant's allowed secured claim so the secured claim is to be paid directly by Debtor outside the plan. Plan, Doc. #26. Because Debtor has failed to pay post-petition mortgage payments to Movant, cause exists to lift the codebtor stay pursuant to 11 U.S.C. § 1301(c) (3).

Analysis regarding request for attorney's fees

Movant also requests attorneys' fees and costs incurred for bringing the instant motion. Doc. #42. The court will not award attorneys' fees because Movant has not provided evidence to support the attorneys' fees requested. This determination is without prejudice to Movant seeking such fees at a later time.

//

Conclusion

Accordingly, the motion will be granted as to Debtor pursuant to 11 U.S.C. § 362(d) (1) and as to Codebtor pursuant to 11 U.S.C. § 1301(c) (3) to permit Movant to pursue remedies in accordance with applicable non-bankruptcy law and enforce any resulting judgment. The motion will be denied as to 11 U.S.C. § 362(d) (2) and the request for attorney's fees. 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 Debtor has failed to make at least ten complete post-petition payments to Movant.

25. [25-26776](#)-A-13 **IN RE: JANETTE PAYNE**
[DPC-2](#)

MOTION TO DISMISS CASE
4-24-2026 [[16](#)]

DAVID CUSICK/MV
PETER MACALUSO/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on May 8, 2026. Doc. #21.

26. [26-10976](#)-A-13 **IN RE: ADRIANN ROSALES**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-23-2026 [[14](#)]

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

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

DISPOSITION: Continued to June 25, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Adriann Nicole Rosales ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on March 6, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) a motion to value the collateral of OneMain Financial Group LLC ("OneMain") needs to be filed for Trustee to determine if the Plan is feasible; (2) Trustee requests documentation to show Debtor's interest in real property located at 3509 Sampson C 'A', Bakersfield, California 93309; (3) Trustee requests documentation and verification of Debtor's retirement loan; (4) an amended

Statement of Financial Affairs needs to be filed to accurately reflect Debtor's prior addresses; and (5) the meeting of creditors has not yet concluded. Doc. #14. Debtor's 341 meeting of creditors was continued to May 7, 2026 at 11:00 a.m. and has now concluded. See court docket entry entered on May 7, 2026. Debtor filed and set for hearing a motion to value the collateral of OneMain. See calendar matter #27 below. Debtor also filed an amended Statement of Financial Affairs. Doc. #17.

This objection will be continued to June 25, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than June 11, 2026. The response shall specifically address each unresolved 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 18, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 18, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

27. [26-10976](#)-A-13 **IN RE: ADRIANN ROSALES**
[PLG-1](#)

MOTION TO VALUE COLLATERAL OF ONEMAIN FINANCIAL GROUP, LLC
5-7-2026 [\[18\]](#)

ADRIANN ROSALES/MV
STEVEN ALPERT/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 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.

Adriann Nicole Rosales ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2018 Honda Odyssey ("Vehicle"), which is the collateral of OneMain Financial Group, LLC ("Creditor"), at \$13,640.00. Doc. #18.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within

the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that where the debtor is an individual in a chapter 13 case, the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtor asserts the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Adriann Nicole Rosales, Doc. #21. Debtor asserts a replacement value of the Vehicle of \$13,640.00 and asks the court for an order valuing the Vehicle at \$13,640.00. Id. Debtor is competent to testify as to the value of the Vehicle. The Vehicle is currently encumbered with a security claim from Creditor in the amount of \$17,600.00. Claim 2.

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED. Creditor's secured claim will be fixed at \$13,640.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

28. [24-23577](#)-A-13 **IN RE: JAMIE MELONI**
[DPC-1](#)

MOTION TO DISMISS CASE
4-17-2026 [[43](#)]

DAVID CUSICK/MV
THOMAS AMBERG/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

29. [25-13477](#)-A-13 **IN RE: DAVID/NORMAJEAN FERLAND**
[DAB-5](#)

MOTION FOR COMPENSATION FOR DAVID A BOONE, DEBTORS ATTORNEY(S)
4-2-2026 [[73](#)]

DAVID BOONE/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.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice 7005-1(d), which requires

that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on April 2, 2026 using a Clerk's Matrix of Creditors that was generated on February 5, 2026. Doc. #76. Accordingly, the motion is denied without prejudice for improper notice.

30. [23-24379](#)-A-13 **IN RE: GRACE LEE**
[DPC-2](#)

MOTION TO DISMISS CASE
4-17-2026 [[77](#)]

DAVID CUSICK/MV
JAMES KEENAN/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to June 25, 2026 at 9:30 a.m.

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

The trustee's motion to dismiss was filed and served on April 17, 2026. Doc. #77. On May 5, 2026, the court was notified that counsel for debtor had died on April 16, 2026, and debtor may want to consult with another attorney. Doc. #81. Due to the death of the debtor's counsel, the court is inclined to continue the hearing on this motion to June 25, 2026 at 9:30 a.m.

31. [25-21680](#)-A-13 **IN RE: ALIAYA PARKER**
[CYB-3](#)

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

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

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 set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") timely opposed this motion. See Opp'n, Doc. #108. After several hearings, the debtor has requested that Trustee's objection be sustained, as the debtor will be filing an amended plan. Doc. #149.

Accordingly, Trustee's objection will be sustained and the motion DENIED.

MOTION TO SELL
4-23-2026 [36]

BRENDA FULLERTON/MV
JERRY LOWE/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if record is sufficiently supplemented.

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 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). Therefore, the defaults of the non-responding parties in interest are entered.

Thomas Michael Fullerton and Brenda Carol Fullerton (together, "Debtors") ask the court for an order authorizing Debtors to sell their 2021 Indian Roadmaster Limited motorcycle, VIN: 56KTKABB5M3398574 ("Motorcycle") for \$15,500.00 to RideNow Powersports ("Buyer"). Doc. #36. Debtors filed a voluntary chapter 13 petition on June 7, 2024. Doc. #1. Debtors' chapter 13 plan was confirmed on October 22, 2024. Plan, Doc. #3; Order, Doc. #24. Buyer's offer is an all cash offer, and Buyer is an unrelated third party to Debtors. Decl. of Thomas Michael Fullerton, Doc. #38. Debtors intend to use the proceeds from the sale of the Motorcycle to purchase a car or truck, for which Debtors will not incur any indebtedness. Id.

LBR 3015-1(h)(1)(E) provides in relevant part that "if the debtor wishes to . . . transfer property on terms and conditions not authorized by [LBR 3015-1(h)(1)(A) through (D)], the debtor shall file the appropriate motion, serve it on the trustee, those creditors who are entitled to notice, and all persons requesting notice, and set the hearing on the Court's calendar with the notice required by Fed. R. Bankr. P. 2002 and LBR 9014-1."

Debtors have an ownership interest in the Motorcycle that was valued at \$26,500 as of the petition date. Am. Schedule A/B, Doc. #15. Debtors scheduled a secured claim in the Motorcycle held by Educational Employees CU ("Creditor") in the amount of \$24,924.24 and claimed an exemption of \$1,324.00 in the Motorcycle under California Code of Civil Procedure § 704.010. Schedule C, Doc #1. Creditor also filed a proof of claim asserting a security interest in the Motorcycle. Claim 7.

In the motion, Debtors assert that the Motorcycle is no longer encumbered by any liens. Fullerton Decl., Doc. #38. However, Debtors have not explained what happened to Creditor's lien on the Motorcycle. While Debtors' confirmed plan provides for monthly payments to Creditor, it is not clear to the court that such payments have paid Creditor's lien in full. If Creditor still holds a lien on the Motorcycle, the motion does not explain or seek authority to sell the Motorcycle free and clear of Creditor's lien. If the Motorcycle is being sold free and clear of Creditor's lien, then service on Creditor must be made

pursuant to Federal Rule of Bankruptcy Procedure 7004(h), which was not done. At the hearing, Debtors should be prepared to clarify whether Creditor still has a lien on the Motorcycle and, if so, whether the proposed sale is free and clear of that lien, whether Creditor consents to the proposed sale, or whether Creditor is to be paid in full as part of the proposed sale.

Accordingly, pending Debtors sufficiently supplementing the record at the hearing, this motion will be GRANTED if Creditor does not have a lien on the Motorcycle or if Creditor consents to the sale of the Motorcycle. If the court approves the sale, Debtors will be authorized, but not required, to sell the Motorcycle to Buyer in a manner consistent with the motion.

33. [26-11484](#)-A-13 **IN RE: SUZANNE JOSEFOWSKI**
[PGM-2](#)

MOTION TO EMPLOY KIMBERLY N. MILLER AS REALTOR(S)
5-1-2026 [\[39\]](#)

SUZANNE JOSEFOWSKI/MV
PETER MACALUSO/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied as unnecessary.

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. Though not required, creditor Central Pacific Bank ("Creditor") filed written opposition on May 13, 2026. Doc. #50. Further opposition may be presented at the hearing, and this matter will proceed as scheduled.

Debtor Suzanne A. Josefowski ("Debtor") seeks to employ real estate realtor Kimberly N. Miller ("Realtor") pursuant to 11 U.S.C. § 327(a) to assist in the marketing and sale of real property located at 555 Hahaione Street #9A, Honolulu, Hawaii ("Property"). Doc. #39.

Debtor seeks to employ Realtor pursuant to 11 U.S.C. § 327(a). Debtor asserts that Realtor's appointment and retention is necessary to complete the sale of the Property. Realtor is a licensed real estate agent in the state of Hawaii and testifies that she has extensive knowledge and familiarity with the area where the Property is located. Decl. of Kimberly N. Miller, Doc. #41. Realtor testifies she does not represent or hold any interest adverse to Debtor or to the estate and that she has no connection with Debtor, creditors, the U.S. Trustee, any party in interest, or their respective attorneys.

In opposition, Creditor believes this motion was filed in bad faith. Doc. #50. Creditor believes the sale of the Property will be a waste of everyone's time because the proposed sale of the Property in the amount of \$688,800.00 will not resolve the statutory lien currently encumbering the Property in favor of the Department of Taxation of the State of Hawaii in the amount of \$2,680,713.35. Doc. #50. Further, Creditor asserts Debtor incorrectly brings the motion pursuant to 11 U.S.C. § 327 because § 327 provides the trustee with the authority to hire a realtor and not a chapter 13 debtor. Doc. #50.

Section 327(a) of the Bankruptcy Code authorizes a trustee or a debtor in possession, with court approval, to engage the services of professionals to represent or assist the trustee or debtor in possession in carrying out the trustee's duties under Title 11. 11 U.S.C. § 327(a). A majority of courts hold that § 327 applies only when a chapter 13 trustee seeks to employ professionals and it is inapplicable to the employment of professionals by Chapter 13 debtors. See e.g., In re Gilliam, 582 B.R. 459, 465-66 (Bankr. N.D. Ill. 2018) (§ 327 does not apply to chapter 13 debtors); In re Jones, 505 B.R. 229, 231 (Bankr. E.D. Wis. 2014) ("[A]n individual chapter 13 debtor . . . is not a 'trustee' for purposes of § 327."); In re Maldonado, 483 B.R. 326, 330 (Bankr. N.D. Ill. 2012) (§ 327 does not apply to debtors in chapter 13 cases); In re Tirado, 329 B.R. 244, 250 (Bankr. E.D. Wis. 2005) ("Therefore, § 327 of the Bankruptcy Code simply does not apply to chapter 13 debtors who seek to employ professionals.").

The majority consider the limitation of § 327 to a "trustee" and the omission of a reference to chapter 13 debtors significant. As the court in Tirado explained in the context of the debtor's request to employ a professional to assist the debtor in the sale of real property:

[Section] 327 does not apply to the employment of attorneys or other professionals by a chapter 13 debtor. Section 327 applies to trustees, and, pursuant to § 1107 of the Bankruptcy Code, when § 327 refers to the trustee, the reference includes the debtor in possession. [Internal citation omitted].

Each subsection of § 327 either focuses on the trustee or excludes chapter 13. See 11 U.S.C. §§ 327(a) ("the trustee . . . may employ . . ."); 327(b) ("the trustee may retain or replace . . ."); 327(c) ("In a case under chapter 7, 12, or 11 of this title . . ."); 327(d) ("the court may authorize the trustee to act as attorney or accountant"); 327(e) ("The trustee . . . may employ . . ."); and 327(f) ("The trustee may not employ . . ."). Congress, through the use of plain and unambiguous language, has limited the scope of § 327 to trustees. Although chapter 11 debtors in possession have also been included under § 327 via § 1107, and chapter 12 debtors must comply with § 327 pursuant to § 1203, there is no corresponding section of chapter 13 making § 327 applicable to chapter 13 debtors.

Therefore, § 327 of the Bankruptcy Code simply does not apply to chapter 13 debtors who seek to employ professionals. The requirements of § 327 would be triggered by a chapter 13 trustee's application to employ a professional, but in this case, [the professional's] services were rendered to the Debtor, not the Trustee. For, unlike chapter 11 and 12 in which the debtor in possession has the same rights and duties when selling property and employing professionals as a trustee, 'the [chapter 13] debtor shall have, exclusive of the trustee, the rights and powers of a trustee [to use, sell, or lease property].' 11 U.S.C. § 1303 (emphasis supplied).

Tirado, 329 B.R. at 250. Courts have previously followed the majority and found that § 327 is inapplicable to a chapter 13 debtor's request to employ a professional to assist the debtor in the sale of his residence. See e.g., In re Slagle, No. 18-27555 (Bankr. E.D. Cal. 2018) (Dkts. 49, 52); In re Fonseca, No. 16-28212 (Dkts. 42, 43) In so doing, the court applied Tirado's reasoning. Doing so is consistent with Smith v. Yncera (In re Yncera), 2009 WL 7751418, *5 n.15 (9th Cir. B.A.P. June 26, 2009), in which the Ninth Circuit Bankruptcy Appellate Panel noted there is nothing in the Bankruptcy Code that specifically

requires real estate professionals in chapter 13 cases to be employed by order of the court or for the court to approve their compensation.

The court has considered the pros and cons of each approach to arrive at a result that is consistent with the plain language of § 327 in particular and the intent of the Bankruptcy Code generally. Therefore, the court finds Tirado's reasoning and the majority position to be the better reasoned approach. Accordingly, the court concludes that it is not necessary for the court to approve Debtor's employment of Realtor under § 327 in order to permit Realtor to assist Debtor in the sale of the Property.

Accordingly, the motion is DENIED AS UNNECESSARY.

34. [25-26886](#)-A-13 **IN RE: BRENDOLYNN CHAMPLAIE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
4-23-2026 [[100](#)]

PETER MACALUSO/ATTY. FOR DBT.
\$25.00 FILING FEE PAID 5/5/26

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 conversion filing fees now due have been paid.

35. [26-10886](#)-A-13 **IN RE: OLIVIA SANCHEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-23-2026 [[13](#)]

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

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

Because a motion to value collateral needs to be resolved before the court can resolve the trustee's objection to confirmation, this objection to confirmation will be continued to June 11, 2026 at 9:30 a.m. to be heard with the hearing on the debtor's motion to value collateral (SLL-1). Doc. ##16-20.

36. [25-24791](#)-A-13 **IN RE: MARCOS LOPEZ**
[DPC-1](#)

MOTION TO DISMISS CASE
4-17-2026 [[27](#)]

DAVID CUSICK/MV
THOMAS AMBERG/ATTY. FOR DBT.

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.

On April 17, 2026, the chapter 13 trustee ("Trustee") moved to dismiss the debtor's chapter 13 case under 11 U.S.C. § 1307(c)(6) because the debtor was in material default under the terms of a confirmed plan. Doc. #27. Prior to the motion to dismiss being filed, the debtor filed and served a motion to confirm the debtor's modified plan and set that motion for hearing on May 7, 2026. Doc. ##18-23. The court granted the debtor's motion to confirm his modified plan by final ruling on May 7, 2026. Civil Minutes, Doc. #33. No order confirming the modified plan has been signed.

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. By confirming debtor's first modified plan, it appears that all outstanding grounds for Trustee's motion to dismiss is be satisfied, so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(6).

Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

37. [26-10892](#)-A-13 **IN RE: WILLIAM/JULIE WILSON**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
4-27-2026 [[17](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

This objection to confirmation was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

William Andrew Wilson and Julie Ann Wilson (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on March 2, 2026. Doc. ##1, 3. Lilian G. Tsang ("Trustee") objects to confirmation of the Plan because, among other issues, the Plan improperly classifies the claim of Mortgage Research Center LLC/Rocket Mortgage LLC ("Creditor"). Doc. #17. Specifically, the Plan places Creditor in Class 4, which is for secured claims that are current and are to be paid directly by the debtor or third party. Plan, Doc. #3. On April 10, 2026, Creditor filed a proof of claim in which Creditor lists pre-petition mortgage arrears in the amount of \$1,006.34. Claim 10. Because there was a delinquency at the time of filing, Debtors need to provide for Creditor in Class 1 of the Plan. Doc. #17.

Since Creditor cannot be placed in Class 4 because there was a delinquency of Creditor's claim that needs to be paid through the Plan, Creditor must be placed in a different class, which requires the filing of a new chapter 13 plan and the noticing of a motion to confirm that plan. Because a new plan must be filed to resolve this objection, the court is inclined to sustain the objection and deny confirmation rather than continue the hearing on Trustee's objection to confirmation to allow a response from Debtors.

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

38. [25-24493](#)-A-13 **IN RE: MARILYN BARZELAY**
[DPC-3](#)

MOTION TO DISMISS CASE
4-17-2026 [[35](#)]

DAVID CUSICK/MV
MARK SHMORGON/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

39. [24-25394](#)-A-13 **IN RE: CLAYTON DELAUGHDER**
[DPC-3](#)

MOTION TO DISMISS CASE
4-17-2026 [[77](#)]

DAVID CUSICK/MV
JOSHUA STERNBERG/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.

As a procedural matter, Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Rule 7004(g) allows service

on a debtor's attorney pursuant to Federal Rule of Civil Procedure 5. However, Box 6B of the trustee's certificate of service (Doc. #80) is not checked to indicate that the appropriate parties were served in this manner, nor is the debtor's counsel listed on Attachment 6A1 of the certificate of service. Doc. #80. Because the court's docket for this case indicates that the debtor's counsel was served electronically by the court, any error in service on the debtor's attorney is harmless in this case.

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 Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(6) for failure to make all payments due under the plan. Doc. #77. The debtor is delinquent in the amount of \$6,962.94. Id. Before this hearing, another payment in the amount of \$3,718.63 will also come due. Id. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". "There is "cause" for dismissal under 11 U.S.C. § 1307(c)(6) for the debtor's failure to make all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows that there is minimal equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is minimal non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED, and the case dismissed.

40. [24-25494](#)-A-13 **IN RE: TRISHA TRAPASSO**
[DPC-1](#)

MOTION TO DISMISS CASE
4-17-2026 [[24](#)]

DAVID CUSICK/MV
YASHA RAHIMZADEH/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on May 13, 2026. Doc. #28.

41. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[LGT-2](#)

MOTION TO DISMISS CASE
4-16-2026 [[58](#)]

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

The trustee moved to dismiss the debtor's bankruptcy case because the debtor had failed to file a modified plan and set a hearing to confirm the plan. Doc. #58. On April 29, 2026, the debtor filed an amended plan as well as a motion to confirm that plan (TCS-4), although there is no certificate of service filed to show that the motion and supporting documents were properly served. Doc. #71-76. Accordingly, the trustee's motion to dismiss will be continued to June 11, 2026 at 9:30 a.m. to be heard with the hearing on the debtor's motion to confirm plan.

MOTION TO DISMISS CASE
4-17-2026 [\[22\]](#)

DAVID CUSICK/MV
MIKALAH LIVIAKIS/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.

As a procedural matter, Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Rule 7004(g) allows service on a debtor's attorney pursuant to Federal Rule of Civil Procedure 5. However, Box 6B of the trustee's certificate of service (Doc. #25) is not checked to indicate that the appropriate parties were served in this manner, nor is the debtor's counsel listed on Attachment 6A1 of the certificate of service. Doc. #25. Because the court's docket for this case indicates that the debtor's counsel was served electronically by the court, any error in service on the debtor's attorney is harmless in this case.

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 Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(6) for failure to make all payments due under the plan. Doc. #22. The debtor is delinquent in the amount of \$6,379.00. Id. Before this hearing, another payment in the amount of \$2,979.00 will also come due. Id. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(6) for failure to make all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows that there is no equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is no non-exempt equity in the

debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED, and the case dismissed.

43. [25-25297](#)-A-13 **IN RE: GRANT COOPER**
[DPC-1](#)

MOTION TO DISMISS CASE
4-17-2026 [[25](#)]

DAVID CUSICK/MV
GEORGE BURKE/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.

As a procedural matter, Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Rule 7004(g) allows service on a debtor's attorney pursuant to Federal Rule of Civil Procedure 5. However, Box 6B of the trustee's certificate of service (Doc. #28) is not checked to indicate that the appropriate parties were served in this manner, nor is the debtor's counsel listed on Attachment 6A1 of the certificate of service. Doc. #28. Because the court's docket for this case indicates that the debtor's counsel was served electronically by the court, any error in service on the debtor's attorney is harmless in this case.

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 Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(6) for failure to make all payments due under the plan. Doc. #25. The debtor is delinquent in the amount of \$6,219.90. Id. Before this hearing, another payment in the amount of \$3,836.65 will also come due. Id. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(6) for failure to make all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows that there is \$30,500 of equity in the debtor's assets, comprised of machinery, vehicles, equipment and tools used in the debtor's business. Doc. #1. However, there are less than \$1,200 in filed general unsecured claims. Because there are minimal general unsecured claims to be paid if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED, and the case dismissed.

11:00 AM

1. [25-11324](#)-A-7 **IN RE: VANESSA BRICENO**
[25-1043](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
10-8-2025 [[11](#)]

CHAVEZ V. BRICENO ET AL
RESPONSIVE PLEADING

NO RULING.

2. [25-10832](#)-A-7 **IN RE: FERNANDO LUGO CERVANTES**
[25-1013](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-2-2025 [[1](#)]

ORTIZ ET AL V. LUGO CERVANTES
STAN MALLISON/ATTY. FOR PL.

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

DISPOSITION: Continued to November 19, 2026 at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the plaintiffs' status report filed on May 14, 2026 (Doc. #28), the status conference will be continued to November 19, 2026 at 11:00 a.m.

The plaintiffs shall file and serve a further status report not later than November 12, 2026.

3. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[23-1029](#)

CONTINUED PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT
11-20-2024 [[111](#)]

NICOLE V. AMERICAN AUTOMOBILE ASSOCIATION OF NORTHERN CALIFORNIA
RESPONSIVE PLEADING

NO RULING.

4. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[23-1029](#) [LBB-6](#)

MOTION FOR SUMMARY JUDGMENT AND/OR MOTION FOR SUMMARY ADJUDICATION
3-27-2026 [\[219\]](#)

NICOLE V. AMERICAN AUTOMOBILE ASSOCIATION OF NORTHERN CALIFORNIA
DANIELLE WELLER/ATTY. FOR MV.
RESPONSIVE PLEADING

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 failure to comply with this court's
Local Rules of Practice.

The motion and supporting papers were filed on March 27, 2026 with no
certificate of service filed with the court showing when the motion was served.
A late filed certificate was filed on May 6, 2026. Doc. #260. Therefore, the
motion filed by the defendant did not comply with Local Rule of Practice 9014-
1(e)(3), which requires that proof of service of all pleadings be filed with
the court not more than three (3) days after the pleading is filed with the
court. Because the certificate of service filed with the motion (Doc. #219) was
filed 40 days after the motion and supporting papers were filed, the motion is
denied for the failure of the moving party to comply with this court's Local
Rules of Practice.

5. [21-10679](#)-A-13 **IN RE: SYLVIA NICOLE**
[25-1020](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT
5-16-2025 [\[1\]](#)

NICOLE V. LOS BANOS TRANSPORT & TOWING

NO RULING.

6. [19-15081](#)-A-13 **IN RE: CHRISTOPHER/KERRI TYSON**
[25-1023](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
2-3-2026 [\[39\]](#)

TYSON ET AL V. AMERICAN EDUCATION SERVICES ET AL
SCOTT LYONS/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

At the adversary proceeding status conference, the parties should be prepared
to explain to the court why the parties have not filed a joint discovery plan
as required by the order of this court filed on April 2, 2026 (Doc. #45).

7. [25-22792](#)-A-7 **IN RE: HARMAN GREWAL**
[25-2120](#) [CAE-1](#)

ORDER TO SHOW CAUSE REGARDING DISMISSAL OF ADVERSARY PROCEEDING FOR
FAILURE TO PROSECUTE
4-23-2026 [[45](#)]

KAUR V. GREWAL

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 23, 2026, this court issued an order to show cause ("OSC") why this adversary proceeding should not be dismissed for lack of prosecution for the failure of the plaintiff to appear at the pre-trial conference held on April 23, 2026 at 11:00 a.m. Doc. #45. The OSC required any written response to be filed and served on or before May 14, 2026.

On May 1, 2026, counsel for the plaintiff filed a declaration explaining that counsel for the plaintiff did not appear at the pre-trial conference due to a confluence of circumstances arising from an overload of counsel's email system that interfered with counsel promptly receiving the necessary information to log into the April 23 hearing. Decl. of Ryan C. Wood, Doc. #49.

Based on the explanation provided by counsel for the plaintiff, the court finds that the failure of the plaintiff to appear at the April 23, 2026 pre-trial conference to be excusable, and the court will not dismiss the adversary proceeding for lack of prosecution as set forth in the OSC. The OSC is vacated.

8. [25-22792](#)-A-7 **IN RE: HARMAN GREWAL**
[25-2120](#) [FEC-1](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT TO DETERMINE DISCHARGEABILITY
OF DEBT
9-9-2025 [[1](#)]

KAUR V. GREWAL
RYAN WOOD/ATTY. FOR PL.

NO RULING.

9. [25-22792](#)-A-7 **IN RE: HARMAN GREWAL**
[25-2120](#) [RCW-5](#)

MOTION TO EXTEND TIME REGARDING LAW AND MOTION DEADLINE TO HEAR MOTIONS
4-21-2026 [[39](#)]

KAUR V. GREWAL
RYAN WOOD/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

10. [25-22096](#)-A-7 **IN RE: ELI CASTRO**
[25-2125](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
9-29-2025 [[1](#)]

FARMERS INSURANCE FEDERAL CREDIT UNION V. CASTRO
A. SIMON/ATTY. FOR PL.
DISMISSED 4/13/26; CLOSED 4/13/26

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed by stipulation on April 13, 2026.
Doc. #15.