



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B - Courtroom #13
Fresno, California
Hearing Date: Wednesday, May 27, 2026**

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. [26-10403](#)-B-13 **IN RE: SHANNON CHAN**
[SLL-1](#)

MOTION TO CONFIRM PLAN
4-21-2026 [[23](#)]

SHANNON CHAN/MV
STEPHEN LABIAK/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

Shannon Chan ("Debtor") seeks an order confirming the *First Modified Chapter 13 Plan* dated April 21, 2026. Docs. #23, 27. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Debtor's aggregate payment for months 1-3 will be \$645.00.
Debtor's payments for months 4-60 will be \$3,544.82.00 per month.
2. Outstanding Attorney's fees in the amount of \$12,000.00 to be paid through the plan.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. JPMorgan Chase (Class 1, mortgage). Debtor to pay directly \$3,125.56 per month for months 1-3. In months 4-60, Post-petition monthly payment of \$3,125.56 to be paid through the Plan. The arrearage of \$1,021.99 at 0% interest to be paid at \$20.00 per month.
 - b. Spruce Power/Solar System (Class 4) \$60.00 per month to be paid directly by Debtor.
4. A dividend of 0.16% to unsecured creditors with claims estimated at approximately \$63,952.13.
5. Unexpired lease with American Honda (2024 Honda Civic) to be assumed at \$352.63 per month.

Doc. #27.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592

(9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

2. [26-10909](#)-B-13 **IN RE: CHRISTOPHER HINSON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
5-7-2026 [\[31\]](#)

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the OSC.

If the installment fees due at the time of hearing are paid before the hearing, the order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

3. [26-11110](#)-B-13 **IN RE: ERIC ANDERSON**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-8-2026 [\[24\]](#)

LILIAN TSANG/MV
BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Eric Anderson ("Debtor") on March 23, 2026, on the following basis:

1. Debtor is delinquent by \$500.00 in plan payments as of May 8, 2026, with additional payments accruing.
2. Schedule A/B must be amended to include Debtor's interest in the bank car where his payroll is deposited.
3. The plan erroneously provides for a Class 2(A) claim for the U.S. Dept. of Housing and Urban Development in the amount of \$19,049.12. However, no payments are owed for this claim.

Doc. #24.

This objection will be CONTINUED to July 1, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

6. [26-10534](#)-B-13 **IN RE: FAITH RAYGOZA**
[SLL-1](#)

MOTION TO CONFIRM PLAN
4-16-2026 [[29](#)]

FAITH RAYGOZA/MV
STEPHEN LABIAK/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Faith Raygoza ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated April 16, 2026. Docs. #29, #33. No plan has been confirmed so far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The proposed plan fails to meet the liquidation test as Debtor's non-exempt assets are sufficient to pay 100% of general unsecured claims.
2. The proposed plan places Secured creditor Shellpoint in Class 1, but the proof of claim indicates that there is an arrearage, which means this claim must be in Class 2.
3. Debtor is delinquent in plan payments by \$25,816.00 as of April 30, 2026, with additional payments accruing.

Doc. #44.

This objection will be CONTINUED to July 1, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 seven (7) days before the continued hearing date. If the Debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

7. [24-23052](#)-B-13 **IN RE: SHANE/STACI STEFFEN**
[PLG-3](#)

MOTION TO MODIFY PLAN
4-17-2026 [[78](#)]

STACI STEFFEN/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Shane and Staci Steffen ("Debtors") move for an order confirming the *Third Modified Chapter 13 Plan* dated April 17, 2026. Docs. #78, #81. The current plan was confirmed on March 11, 2026. Doc. #75. The 60-month plan proposes the following terms:

1. Aggregate plan payments of \$46,805.00 through March 2026 (months 1-20). Plan payments will be \$0.00 in April, May, and June of 2026 (months 21-23). Beginning in July 2026, payments will increase to \$2,400.00 per month for the remaining life of the plan.
2. Administrative expenses to be paid as follows: An aggregate of \$1,867.03 for months 1-20, \$0.00 per month for months 21-23, and \$108.51 per month for months 24-60.
3. The plan is otherwise unchanged.

Compare Docs. #63 and #81.

Chapter 13 trustee David P. Cusick ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. No supplemental Schedules I & J have been filed in support of this motion.

Doc. #85. On May 20, 2026, Debtors filed a Reply conceding Trustee's Objection and requesting additional time in which to file Supplemental Schedules I & J. Doc. #88.

This objection will be CONTINUED to July 1, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 seven (7) days before the continued hearing date. If the Debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

8. [26-11154](#)-B-13 **IN RE: JULIE MORIN**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-5-2026 [[30](#)]

LILIAN TSANG/MV
JOAQUIN NOLET/ATTY. FOR DBT.

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Julie Morin ("Debtor") on March 25, 2026, on the following basis:

1. Debtor is delinquent in plan payments by \$4,281.47 as of May 5, 2026, with additional plan payments accruing.
2. Section 3.05 of the original plan failed to make a selection in § 3.05. Therefore, in accordance with LBR 2016-1(e), the attorney of record will need to seek approval of fees through application to the court.
3. The 341 meeting of creditors has not been concluded. Debtor failed to appear at the hearing held on May 5, 2026. The continued hearing is set for June 18, 2026. Also, Debtor has failed to provide several required documents as listed on page 2 of the Objection.

Doc. #30.

This objection will be CONTINUED to July 1, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

9. [25-24456](#)-B-13 **IN RE: KELLY JOHNSON**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
4-20-2026 [[26](#)]

GLOBAL LENDING SERVICES LLC/MV
MUOI CHEA/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An Order Approving Stipulation was entered on May 21, 2026, granting Movant, Global Lending Services, LLC, relief from the automatic stay. Doc. #47. The motion will be DENIED AS MOOT.

10. [25-20057](#)-B-13 **IN RE: STEVEN BUSER**
[CAE-1](#)

ORDER TO SHOW CAUSE RE: DISMISSAL OF CASE AND
DISGORGEMENT OF FEES
4-27-2026 [[79](#)]

KEVIN TANG/ATTY. FOR DBT.
DISMISSED 04/01/26

NO RULING.

11. [24-22164](#)-B-13 **IN RE: JOHN/KIMBERLY MCCABE**
[DPC-2](#)

MOTION TO DISMISS CASE
4-29-2026 [\[98\]](#)

DAVID CUSICK/MV
THOMAS AMBERG/ATTY. FOR DBT.
WITHDRAWN 5/14/26

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED

The chapter 13 trustee withdrew this motion on May 14, 2026.
Doc. #111. Accordingly, this matter will be taken off calendar
pursuant to the trustee's withdrawal.

12. [22-22866](#)-B-13 **IN RE: ANDREA/LELAND SMITH**
[DPC-1](#)

MOTION TO DISMISS CASE
4-29-2026 [\[89\]](#)

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

TENTATIVE RULING: This matter will be called as scheduled.

DISPOSITION: Granted or denied without prejudice.

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

Chapter 13 trustee David Cusick ("Trustee") moves to dismiss this case
for cause under 11 U.S.C. § 1307(c)(6) for failure to make all
payments due under the plan. Doc. #89.

This matter will be called as scheduled to inquire whether Debtors
have cured the delinquency. If so, this motion may be DENIED WITHOUT
PREJUDICE. Otherwise, the motion may be GRANTED, and the case
dismissed.

This motion was set for hearing on 28 days' notice as required by
Local Rule of Practice ("LBR") 9014-1(f)(1) and will proceed as
scheduled. The failure of the creditors, the U.S. Trustee, or any
other party in interest except Debtor to file written opposition at

least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest except Debtor are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(6) for unreasonable delay that is prejudicial to creditors and failure to make all payments due under the plan.

As of April 29 2026, Andrea Joy Smith and Leland Wayne Smith ("Debtors") have failed to make all payments due under the plan and Debtors are delinquent \$34,500.00. Doc. #91. Before the hearing on this motion, an additional payment of \$19,500.0 will become due on May 25, 2026.

Debtors timely filed written opposition. Doc. #93 Debtors aver that amended schedules I and J along with a modified Plan and motion to confirm plan will be filed prior to this hearing. *Id.*

Trustee has reviewed the schedules and determined that this case has a liquidation value of \$23,599.96. Doc. #91. This value consists of the non-exempt equity in assets listed on Schedules A & B including a 2017 Audi Q7, 2013 Mercedes Benz and 2008 BMW 328i. Since a *de minimis* amount of proceeds could be realized for the benefit of unsecured claims, dismissal, rather than conversion, better serves the interests of creditors and the estate.

This matter will be called as scheduled to inquire whether Debtors have cured the delinquency. If so, this motion may be DENIED WITHOUT PREJUDICE. Otherwise, the motion may be GRANTED, and the case dismissed.

14. [25-25570](#)-B-13 **IN RE: SETH NORMAN**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
4-13-2026 [\[47\]](#)

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined at the hearing.

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

This case was originally before Judge Frederick Clement and was reassigned to the undersigned on March 2, 2026. *Docket generally.*

On April 13, 2026, David Cusick ("Trustee") filed this *Motion to Dismiss Case* on the grounds that Judge Clement sustained Trustee's Objection to the original plan filed by Debtor Seth Norman ("Debtor") on February 24, 2026. Doc. #46. Debtor thereafter failed to file a modified plan, and Trustee duly filed this motion. Doc. #47.

On April 21, 2026, Debtor filed a *First Amended Chapter 13 Plan* and a motion to confirm same. Docs. #51, #54. Trustee has objected to confirmation of the First Amended Plan. *See Item #15, below.*

On April 28, 2026, Debtor responded to this *Motion to Dismiss*, arguing that the filing of the First Amended Plan mooted the Motion to Dismiss. Doc. #57. Trustee filed a Reply brief acknowledging that Debtor had filed a new plan but asserting that Trustee had objections to that plan and that this motion to dismiss should still be granted. *Id.*

This matter will proceed as scheduled in conjunction with the confirmation hearing on the First Amended Chapter 13 Plan. Depending on the resolution of the motion to confirm, the court may GRANT or DENY the motion to dismiss or CONTINUE this matter to a future date.

15. [25-25570](#)-B-13 **IN RE: SETH NORMAN**
[PGM-1](#)

MOTION TO CONFIRM PLAN
4-21-2026 [\[51\]](#)

SETH NORMAN/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined at the hearing.

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

Seth Norman ("Debtor") moves for an order confirming the *Third Modified Chapter 13 Plan* dated April 21, 2026. Docs. #51, #54. No plan has been confirmed so far. The 36-month plan proposes the following terms:

1. Monthly plan payments of \$200.00.
2. Outstanding attorney fees of \$6,000.00 to be paid through the plan.
3. Secured creditors to be classed and treated as follows:
 - a. LoanDepot (Class 2(A), Mortgage on 2736 Portola Way, Sacramento, CA. ("the Subject Property")). Creditor's claim is listed at \$1 million with an interest rate "TBD." The monthly dividend merely says "see add'l provision" but Section 7 of the plan merely says "Funds on hand less the \$200.00 per month are to be returned to Attorney for Debtor to be held in Trust pending further order of the Court and/or resolution of an adversary for the unlawful foreclosure by lender and VA."
4. A 0.00% dividend to general unsecured creditors with estimated claims of approximately \$61,314.33.

Doc. #54.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Other than the Trustee, no party in interest has responded, and the defaults of all non-responding parties are entered.

Chapter 13 trustee David P. Cusick ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The proposed plan payment is inadequate to pay the administrative costs of this case in the form of Debtor's attorney's fees or Trustee administrative costs. Also, the reference in Section 7 of the plan to an adversary proceeding is unclear to Trustee (and to the court) as no adversary proceeding has been filed in connection with this case. Trustee objects to any future-filed adversary proceeding which cannot be resolved within 36 months.
2. Debtor's treatment of the Class 2 creditor may not comply with the Code.
3. The plan should pay a higher dividend to general unsecured creditors than the 0.00% currently proposed.

Doc. #60. On May 19, 2026, Debtor replied to the Objection. Doc. #66. In the Reply, Debtor's counsel avers that the Debtor has filed this plan as a mechanism to bring an adversary proceeding and/or use the Bankruptcy Dispute Resolution program to recover Debtor's home, which the Reply avers has been improperly foreclosed upon by LoanDepot. *Id.* The Reply further responds to the Objection as follows:

- a. Debtor is not opposed to increasing the plan payments to \$225.00 to allow feasibility.
- b. Debtor does not oppose a 5% default rate.
- c. Debtor does not oppose the Chapter 13 Trustee holding all funds at issue until further order of the court.
- d. Debtor will file, serve, and resolve an adversary proceeding concerning ownership interest in the Subject Property on or before the thirty-sixth (36th) month of the plan.
- e. Debtor will set aside the mortgage payment to allow for payment of the mortgage when and if a settlement is reached or until the family relocates.

Id. The Reply also avers that Trustee is in possession of "more than sufficient funds" to allow a 100% plan. *Id.*

This matter will proceed as scheduled to determine whether the averments in Debtor's Reply resolve the Trustee's objections. If so, the court may GRANT the motion for confirmation, subject to any revisions agreed to by Debtor and Trustee. The confirmation order shall include the docket control number of the motion and reference the plan by the date it was filed.

Alternatively, the court may DENY the motion or CONTINUE this matter to a future date.

16. [25-27071](#)-B-13 **IN RE: DANIEL PARRISH**
[DPC-1](#)

CONTINUED MOTION TO DISMISS CASE
1-27-2026 [28]

DAVID CUSICK/MV
JIN KIM/ATTY. FOR DBT.

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

This matter will be CONTINUED to July 1, 2026, at 9:30 a.m. to be heard in conjunction with Debtor's *Motion to Confirm Chapter 13 Plan* dated April 17, 2026. See Item #17, below.

17. [25-27071](#)-B-13 **IN RE: DANIEL PARRISH**
[SLG-1](#)

MOTION TO CONFIRM PLAN
4-17-2026 [55]

DANIEL PARRISH/MV
JIN KIM/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Daniel Parrish ("Debtor") moves for an order confirming the *Third Modified Chapter 13 Plan* dated April 17, 2026. Docs. #55, #57. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Plan payments shall be \$1,000.00 per month for months 1-4 and then \$3,671.00 for months 5-60.
2. Outstanding attorney fees of \$9,000.00 to be paid through the plan.
3. Secured creditors to be classed and treated as follows:
 - a. Shellpoint Mortgage (Class 1, mortgage). Arrears of \$22,000.00 at 0.00% to be paid at \$478.26 per month. Ongoing post-petition payments of \$1,545.15 per month.
 - b. OneMain Financial Group (Class 2(A). 2015 Mercedes GL450, non-PMSI). \$13,395.14 at 8.50% to be paid at \$359.59 per month.

- c. Westlake Financial (Class 2(A). 2011 Nissan Murano. Non-PMSI). \$15,274.03 at 8.50% to be paid at \$165.15 per month.
 - d. Real Time Resolutions (Class 2(A). Mortgage on 524 Franesi Way, Sacramento, CA. Non-PMSI). \$25,499.16 at 0.00% to be paid at \$554.35 per month).
4. A 100.00% dividend to general unsecured creditors with estimated claims of approximately \$15,274.03.

Doc. #54.

Chapter 13 trustee David P. Cusick ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The Debtor proposes to pay \$1,000.00 for the first 4 months of the plan, but those payments would need to be at least \$1,829.07 per month for there to be no deficiency. The Code, the Local Rules, and the Mandatory Plan language all require that payments to secured creditors be in equal monthly installments, and Trustee argues that Debtor's treatment of a 4-month reduced plan payment does not comply with those requirements. The plan was underfunded for the first 4 months, and the plan contains no provisions to catch those payments up.
2. There is a discrepancy between Section 3.05 of the Plan and the Disclosure of Attorney Compensation (Doc. #52, pg. 60).

Doc. #64.

This objection will be CONTINUED to July 1, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 seven (7) days before the continued hearing date. If the Debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

18. [26-11272](#)-B-13 **IN RE: STEVEN POUND**
[ALG-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SKYONE FEDERAL CREDIT UNION
5-13-2026 [\[20\]](#)

SKYONE FEDERAL CREDIT UNION/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
ARNOLD GRAFF/ATTY. FOR MV.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

SkyOne Federal Credit Union ("SkyOne") objects to confirmation of the *Chapter 13 Plan* filed by Steven Pound ("Debtor") on March 24, 2026, on the following basis:

1. The plan proposes to reduce SkyOne's claim to the replacement value of the collateral, but no Motion for Valuation has been filed yet. Also, the proposed interest rate is inadequate under *Till*.

Doc. #20. On May 20, 2026, Debtor filed a Response to the Case Trustee's Objection to Confirmation (*See Item #19, below*) in which Debtor largely confessing the Trustee's Objections and advised that a new plan was forthcoming. Doc. #24. In light of Debtor's response, the court sustained the Trustee's Objection to Confirmation and directed Debtor to file and serve a new plan on or before June 10, 2026. *Item #19, below*. Accordingly, SkyOne's Objection to Confirmation will be OVERRULED as moot.

19. [26-11272](#)-B-13 **IN RE: STEVEN POUND**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
5-11-2026 [\[17\]](#)

RABIN POURNAZARIAN/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Chapter 13 Trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Steven Pound ("Debtor") on March 24, 2026, on the following basis:

1. The proposed monthly payment must increase to \$750.64 to complete payments to Class 2 creditor Ally Bank within 60 months, assuming no motion for valuation is filed and granted.
2. The plan proposes to reduce SkyOne's claim to the replacement value of the collateral, but no Motion for Valuation has been filed yet.
3. The 341 meeting of creditors has not been concluded because Debtor has failed to provide his 2025 taxes. The continued meeting is set for June 18, 2026. Additionally, Debtor has failed to provide certain required documents: Proof of Non-filing Spouse's Income.
4. The plan provides for Renee Manor Community HOA as a Class 4 creditor, but Debtor advised at the 341 meeting that there was a delinquency on the claim in the amount of \$1,144.00 at the time of filing, so Class 4 is not the correct class.

Doc. #17. On May 20, 2026, Debtor filed a Response largely confessing the Trustee's Objections and advising that a new plan was forthcoming. Doc. #24. In light of Debtor's response, the court will SUSTAIN the Trustee's Objection to Confirmation. Debtor shall file and serve a new plan on or before June 10, 2026.

20. [26-11272](#)-B-13 **IN RE: STEVEN POUND**
[RH-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
4-23-2026 [\[13\]](#)

ALLY BANK/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Ally Bank ("Ally") objects to confirmation of the *Chapter 13 Plan* filed by Steven Pound ("Debtor") on March 24, 2026, on the following basis:

1. The plan proposes to reduce Ally's claim to the replacement value of the collateral, but no Motion for Valuation has been filed yet. Also, the proposed interest rate is inadequate under *Till*.

Doc. #13.

This objection will be CONTINUED to July 1, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

21. [26-11275](#)-B-13 **IN RE: BRITTA/ADRIAN CHAVEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-6-2026 [[24](#)]

LILIAN TSANG/MV
ARETE KOSTOPOULOS/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On May 11, 2026, Britta and Adrian Chavez ("Debtors") filed their *First Modified Chapter 13 Plan*. Doc. #28. Accordingly, the Trustee's *Objection* to the original plan dated March 24, 2026, will be DENIED as moot.

22. [26-11281](#)-B-13 **IN RE: DAVID/ALICIA MORRIS**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
5-11-2026 [23]

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 Trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by David and Alicia Morris ("Debtors") on March 25, 2026, on the following basis:

1. The proposed plan provides for Regional Acceptance Corporation as a Class 2 claim and proposes to pay the value of the collateral securing the claim. Debtors have filed a Motion to Value Collateral, but no order has been entered. The motion is set for hearing on June 3, 2026.
2. The 341 meeting of creditors has not been concluded because Debtor has failed to provide their 2025 taxes. The continued meeting is set for June 4, 2026.

Doc. #23.

This objection will be CONTINUED to July 1, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

23. [26-11787](#)-B-13 **IN RE: LESLEY SWAFFORD**
[SLH-1](#)

MOTION TO VALUE COLLATERAL OF TD AUTO FINANCE
4-27-2026 [8]

LESLEY SWAFFORD/MV
SETH HANSON/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Lesley Swafford ("Debtor") moves for an order valuing a 2024 Hyundai Tucson ("Vehicle") at \$21,860.00 under 11 U.S.C. § 506(a). Doc. #8. Vehicle is encumbered by a purchase money security interest in favor TD Auto Finance "Creditor."

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Federal Rules of Bankruptcy Procedure ("Rule").

Creditor is a corporation. Service on corporations is governed by Rule 7004(b)(3) and can be accomplished by mailing a copy of the pleadings to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process, and if required by statute, by also mailing a copy to the defendant.

Here, Debtor checked the box on page 3 of the Certificate of Service for Rule 7004 Service and also the box stating that persons listed on Attachment 6A-1 would be served by First Class Mail. Doc. #12. However, while Attachment 6A-1 is attached to the Certificate of Service, it is blank. *Id.* Appended to Attachment 6A-1 is a copy of the Creditor Matrix which includes an address for Creditor as

Td Auto Finance
Attn Bankruptcy
Po Box 9223
Farmington Hills MI 48333-9223

Id. Debtor did not serve Creditor with a copy to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. *Id.*; Rule 7004(b)(3). Therefore, service of process was ineffective.

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

24. [26-11190](#)-B-13 **IN RE: RALPH AGUERO**
[SKI-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY EXETER FINANCE LLC
4-16-2026 [\[12\]](#)

EXETER FINANCE LLC/MV
STEPHEN LABIAK/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION: Continued to July 1, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Exeter Finance LLC ("Exeter") objects to confirmation of the *Chapter 13 Plan* filed by Ralph Aguero ("Debtors") on March 20, 2026, on the following basis:

1. The interest rate proposed by the plan's treatment of Exeter's secured claim is inadequate under *Till* and must increase to 9.75%.

Doc. #12.

This objection will be CONTINUED to July 1, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the 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 **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

11:00 AM

1. [24-21966](#)-B-7 **IN RE: VILLA MARCHE STOCKTON ACQUISITIONS, LP**
[26-2012](#) [DML-2](#)

MOTION TO AMEND COMPLAINT

4-28-2026 [[14](#)]

FARRIS V. GT MADISON REALTY EQUITY, LLC ET AL
J. CUNNINGHAM/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

Plaintiff Niki B. Farris ("Trustee"), in her capacity as the Chapter 7 Trustee for the above-styled bankruptcy estate of Villa Marche Stockton Acquisitions, LP ("Debtor"), moves pursuant to Fed. R. Bank. P. 7015 for an order granting her leave to file a second amended complaint to name additional defendants in this adversary proceeding as follows:

1. Ridgeway Investments Inc. ("Ridgeway Inc."), and
2. John/Jane Does 1-10.

(collectively "the New Defendants"). Doc. #14.

Debtor filed the underlying Chapter 7 case on May 7, 2026. Case No. 24-21966. On February 26, 2026, Trustee filed this adversary proceeding as a complaint for general partner contributions against Debtor's general partners and their principals. AP Doc. #1. On March 16, 2026, the complaint was amended to add several additional parties ("the First Amended Complaint"). Doc. #6. On March 26, 2026, Trustee gave notice that the AP was dismissed as to four of the defendants added to the proceedings by the First Amended Complaint. Doc. #11. For purposes of this order, the remaining Defendants after that dismissal will be referred to as "the Original Defendants."

Trustee has since determined that Ridgeway, Inc. is a general partner of Debtor and an appropriate defendant for this accounting action. Doc. #17 (Decl. of Nikki B. Farris). Trustee has further determined that there are likely additional individuals and/or entities who may be partners-in-fact of debtor, and so Trustee believes that it is appropriate to include fictitious "Doe" defendants. *Id.*

Trustee notes that, as of the filing of this motion, none of the Original Defendants had filed an answer. Doc. #14. Since the motion was filed, defendant GTM U.S. Senior Housing REIT, Inc. ("GTM REIT")

has filed an answer. Doc. #25. However, Trustee argues that even if any defendant were to file an answer during the pendency of this motion, they would not be prejudiced by adding the additional parties because no scheduling order has been issued and no discovery has begun. Doc. #14.

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

No party in interest timely filed written opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED. The Trustee is hereby granted leave to file and serve a Second Amended Complaint to add the defendants listed above. Service to be within 14 days of entry of the order.

2. [24-24267](#)-B-7 **IN RE: RIKI TROWE**
[25-2135](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-20-2025 [[1](#)]

FARRIS V. MARRON ET AL
J. CUNNINGHAM/ATTY. FOR PL.

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

DISPOSITION: Continued to July 9, 2026, at 11:00 a.m..

ORDER: The court will prepare the order.

On May 20, 2026, Plaintiff and Chapter 7 Trustee Nikki Farris and Defendant Susan Marron (collectively "the Parties") filed a Joint Status Report advising the court of the status of settlement efforts and requesting additional time to reach a resolution. Doc. #60. The Parties request until June 30, 2026, to complete their efforts to reach settlement and, should no resolution be reached, advise that

they will submit a joint proposed scheduling order and discovery plan on or before July 3, 2026. *Id.*

The court finds this request well-taken. Accordingly, this Status Conference is CONTINUED to July 9, 2026, at 11:00 a.m.

3. [25-13988](#)-B-7 **IN RE: SAMUEL HONNOLD**
[26-1008](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT STATUS CONFERENCE
3-6-2026 [[1](#)]

GROVER V. HONNOLD
JUSTIN HARRIS/ATTY. FOR PL.

NO RULING.

4. [25-13988](#)-B-7 **IN RE: SAMUEL HONNOLD**
[26-1008](#) [HLF-1](#)

MOTION TO DISMISS DEFENDANT'S COUNTERCLAIM
4-24-2026 [[9](#)]

GROVER V. HONNOLD
JUSTIN HARRIS/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted. 14 days leave to amend Counterclaim.

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

Holly Grover ("Grover" or "Plaintiff") moves for dismissal pursuant to Fed. R. Civ. P. 12(b)(6), as incorporated into Fed. R. Bankr. P. 7012(b)(6) (hereinafter "12(b)(6)") of the counterclaims raised by Samuel Honnold ("Honnold" or "Defendant") in his *Answer and Counterclaim* filed in the above-styled adversary proceeding. Doc. #9 *et seq.* Honnold is the debtor in the underlying Chapter 7 proceeding.

On March 6, 2026, Grover filed this adversary proceeding seeking a determination of the dischargeability of the debt(s) owed by Honnold to Grover arising from orders and/or judgments entered by the Superior Court of California, County of Fresno in the state court dissolution proceedings styled *In re the Marriage of Grover and Honnold*, case No. 18CEFL01246 ("the Family Law Action"). Doc. #1.

On April 3, 2026, Honnold filed an Answer to the Complaint which also presented a counterclaim against Grover for alleged violations of the

automatic stay. Doc. #7. Grover's 12(b)(6) motion seeks dismissal of the counterclaims. Doc. #9.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

No party in interest timely filed written opposition. Nevertheless, this matter will be called and proceed as scheduled because Honnold is representing himself pro se in this adversary proceeding, though he is represented by counsel in the underlying bankruptcy proceeding.

BACKGROUND

Honnold did not respond to this motion to dismiss. Except where noted otherwise, the facts as outlined below are drawn from Honnold's Answer and Counterclaims (Doc. #7) and the facts alleged therein, Grover's Declaration in support of this motion, and Exhibits consisting of correspondence from the California Public Employees' Retirement System ("CalPERS") to Grover, dated May 5, 2023 (Exh. A), February 3, 2025 (Exh B), and July 14, 2025 (Exh. C). Docs. ##11-12. The motion is also accompanied by a Memorandum of Points and Authorities. Doc. #13.

Honnold filed for Chapter 7 on November 26, 2025, in Case No. 25-13988 ("the Chapter 7 Case"). See Chapter 7 Case Doc. #1. Previously, Honnold had been in Chapter 13 in Case No. 23-11946 ("the Chapter 13 Case"), which was filed on August 31, 2023, and dismissed on June 17, 2025, for failure to make plan payments. See Chapter 13 Case Docs. #1, #45.

Before Honnold ever filed for bankruptcy, he and Grover were married and subsequently divorced, with the Judgment of Dissolution filed on or about July 10, 2020. Grover declares (and is supported by the CalPERS correspondence) that issues about Honnold's CalPERS retirement benefits arose, with the result that CalPERS was brought into the family law matter through joinder so that the family law court could determine Honnold and Grover's respective interests, if any, in those benefits.

The CalPERS correspondence indicates that, as a result of CalPERS being brought into the family law matter via joinder, CalPERS would place an administrative hold on Honnold's retirement account pending court determination of the parties' community property interests. More specifically, in the May 5, 2023, correspondence (which was sent prior

to the filing of the Chapter 13 Case), CalPERS advised Honnold and Grover that it was aware of the Summons for Joinder and that a hold had been placed on Honnold's account. In the February 3, 2025, correspondence, CalPERS advised them that CalPERS had received a copy of the July 10, 2020 Judgment of Dissolution, that CalPERS required a court order determining the specific nature and extent of the community property interest in Honnold's retirement benefits that the family law court had awarded to Grover, and that the retirement benefits would continue to be on hold, with no benefits released until an acceptable order was filed and presented to CalPERS. Finally, on July 14, 2025 (after dismissal of the Chapter 13 Case but before the filing of the Chapter 7 Case), CalPERS advised Honnold that joinder documents sent to CalPERS by Honnold were incomplete and that the hold on Honnold's benefits would continue pending a determination of the community property interests of the two parties.

In her Declaration, Grover acknowledges receiving the CalPERS correspondence but states her understanding that CalPERS unilaterally placed an administrative hold on Honnold's account upon first receiving the joinder documents and that the hold has been consistently in place pending determination of the parties' community property rights. She denies ever requesting or instructing CalPERS place a hold on Honnold's retirement account or to cause CalPERS to prevent or withhold payment of any benefits to Honnold. She further denies taking any actions to collect, recover, or control Honnold's benefits or to communicate with CalPERS regarding the hold on Honnold's account after the filing of either of Honnold's bankruptcy cases.

Turning to the allegations in Honnold's counterclaim, they are sparse and, in some clear instances, contrary to undisputed fact. The counterclaim alleges that Grover had actual knowledge of Honnold's two bankruptcies and accuses Grover of having "maintained a 100% administrative hold on Defendants CalPERS Industrial Disability Retirement (IDR) benefits for approximately 14 months." The implication is that Grover took affirmative action to cause CalPERS to place the administrative hold on Honnold's CalPERS benefits while Honnold was in bankruptcy and in violation of the automatic stay.

This implication is belied, however, by the CalPERS correspondence which seems to indicate that CalPERS placed the hold according to its own administrative policies as a result of having been joined into the parties' family law dispute. Moreover, the May 5, 2023, correspondence which is the first document before the court to state that the hold had been put into place came prior to the filing of the Chapter 13 case, and the July 14, 2025, correspondence came after the Chapter 13 case had been dismissed but before the Chapter 7 case was filed. Only the February 3, 2025, correspondence came at a time when Honnold was in an active bankruptcy case, and it appears to reference a hold which was placed prepetition.

Furthermore, at no point does any of the CalPERS correspondence indicate in the slightest that the hold was placed at Grover's request rather than as a normal administrative action to place a hold on benefits pending a court order assigning proper division of those benefits when that division was in flux due to pending court proceedings.

DISCUSSION

To avoid dismissal under Civil Rule 12(b)(6), "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 663, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009) (quoting *Twombly*, 550 U.S. at 570). In applying the standards set forth in *Iqbal* and *Twombly*, the Ninth Circuit has stated:

First, to be entitled to the presumption of truth, allegations in a complaint or counterclaim may not simply recite the elements of a cause of action but must contain sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself effectively. Second, the factual allegations that are taken as true must plausibly suggest an entitlement to relief, such that it is not unfair to require the opposing party to be subjected to the expense of discovery and continued litigation.

Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011). A dismissal under Civil Rule 12(b)(6) may be based on the absence of sufficient facts alleged under a cognizable legal theory. *Johnson v. Riverside Healthcare Sys.*, 534 F.3d 1116, 1121 (9th Cir. 2008). Dismissal for failure to state a claim is therefore appropriate if the complaint [or counterclaim] fails to include factual allegations, either direct or inferential, regarding each material element under an actionable legal theory. *Gagliardi v. Sullivan*, 513 F.3d 301, 305 (1st Cir. 2008).

In reviewing a complaint under Civil Rule 12(b)(6), the court may take judicial notice of public records outside the pleadings, review materials submitted with the complaint, and review documents that are incorporated by reference in the complaint if no party questions their authenticity. *See Knieval v. ESPN*, 393 F.3d 1068, 1076 (9th Cir. 2005); *Lee v. City of L.A.*, 250 F.3d 668, 688-89 (9th Cir. 2001) (concluding that review of such items does not convert a motion to dismiss into one for summary judgment).

Tanasescu v. Bors (In re Bors), No. CC-12-1214-KiDH, 2012 Bankr. LEXIS 5807, at *18-20 (B.A.P. 9th Cir. Dec. 17, 2012).

The factual allegations in the Counterclaim take up only a single page of Honnold's Answer. Doc. #7. To summarize these allegations, Honnold alleges that he filed bankruptcy twice (which is true according to court documents), that Grover was aware of both bankruptcies and retained counsel for both this adversary and the family law matter, and that "[d]espite notice of the automatic stay, Plaintiff and/or her counsel maintained a **100% administrative hold** on Defendant's CalPERS Industrial Disability Retirement (IDR) benefits for approximately **14 months.**" *Id.* (emphasis in original). However, Honnold presents no allegations as to what actions Grover took to "maintain" the hold nor any indication of when she took any such actions relative to the time periods when Honnold was in an active bankruptcy proceeding. *Id.*

Obviously, any actions taken by Grover prior to the filing of the Chapter 13 Case or in the interval between the dismissal of the Chapter 13 Case and the filing of the Chapter 7 Case cannot have been taken in violation of the automatic stay because the stay only existed during pendency of Honnold's two bankruptcies. Furthermore, Grover's *Motion to Dismiss* is accompanied by exhibits in the form of the CalPERS Correspondence which clearly indicate that, far from acting to cause the hold to be put in place, Grover was *informed* by CalPERS that CalPERS was unilaterally initiating the hold until resolution of the community property dispute over the funds. Doc. #12 (Exhibits A-C). Honnold cannot charge Grover with violation of the automatic stay because of actions taken by another party.

Finally, the Counterclaim pointedly never alleges that Grover took any action to cause the hold to commence while the automatic stay was in place, only that Grover (or her attorney) "maintained" the hold during the pendency of one or both of Honnold's bankruptcies. Doc. #7, ¶ 5. But actions taken to exercise control over estate assets prior to the petition date do not retroactively become stay violations after filing where they do not "disturb the status quo of estate property as of the time when the bankruptcy petition was filed." *City of Chi. v. Fulton*, 592 U.S. 154, 158, 141 S. Ct. 585, 590 (2021) (holding that "merely retaining possession of estate property does not violate the automatic stay").

CONCLUSION

Because Honnold is representing himself, hearing in this matter will proceed as scheduled. Absent persuasive arguments to the contrary, the court is inclined to GRANT the motion to dismiss on the grounds that Honnold's Counterclaim fails to state a cause of action in that he alleges no actions taken by Grover in violation of the automatic stay that disturbed the prepetition status quo or, indeed, any actions taken by Grover (as opposed to CalPERS) to exercise control over Honnold's CalPERS benefits. This does not mean that there is no set of

facts under which Honnold can show a stay violation on the part of Grover, merely that he has failed to state a claim for such in his Answer and Counterclaim. The Counterclaim will be DISMISSED with leave to amend. Honnold shall have 14 days from the entry of the order GRANTING the motion in which to file and serve an amended counterclaim.

5. [25-14095](#)-B-7 **IN RE: MARCO ARAMBULA**
[26-1009](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
3-10-2026 [[1](#)]

NORTH MILL EQUIPMENT FINANCE, LLC V. ARAMBULA
AMANDA FERNS/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

6. [24-13719](#)-B-7 **IN RE: B & B AGRI SERVICES INC.**
[GG-1](#)

CONTINUED STATUS CONFERENCE RE: MOTION TO DISMISS CASE
7-28-2025 [[33](#)]

DINAH PARLAN/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
ANERIO ALTMAN/ATTY. FOR MV.
OST 5/21/26

NO RULING.