



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California**

Hearing Date: Wednesday, May 29, 2024

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/RemoteAppearances>. 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. [24-10509](#)-B-13 **IN RE: JESSICA ONTIVEROZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
4-8-2024 [\[17\]](#)

SUSAN HEMB/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn.

No order is required.

On May 21, 2024, the Trustee withdrew the Objection to Confirmation.
Accordingly, this matter is WITHDRAWN.

2. [23-12110](#)-B-13 **IN RE: JORGE/ZENIA CHAVEZ**
[SL-2](#)

CONTINUED MOTION FOR COMPENSATION FOR SCOTT LYONS, DEBTORS
ATTORNEY(S)
3-21-2024 [\[44\]](#)

SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Granted as modified.

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

Scott Lyons, Attorney at Law ("Applicant"), attorney for Jorge Chavez and Zenia Yvette Chavez ("Debtors"), requests compensation in the sum of **\$7,491.18** under 11 U.S.C. § 330 and § 331. Doc. #44. This amount consists of **\$6,230.50** in fees and **\$1,260.68** in expenses from June 19, 2023, through March 20, 2024. *Id.* This is Applicant's first fee application. *Id.* Applicant states that, in light of the prepetition retainer of \$1,513.00, filing fees of \$313.00, and credit report fees of \$74.00, totaling \$1,900.00 in prepetition fees and expenses, the total amount requested to be paid through the plan in this Application is **\$5,592.18**.

Debtors executed a statement of consent dated March 20, 2024, indicating that Debtors have read the fee application and approves the same. *Id.* § 9(7).

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and Fed. R. Bankr. P. ("Rule") 2002(a)(6). The failure of the creditors, the chapter 13

trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f) (1) (B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered. 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, at least as to fees incurred.

Section 3.05 of the *Chapter 13 Plan* dated November 16, 2023, confirmed January 23, 2024, indicates that Applicant was paid \$1,513.00 prior to filing the case and, subject to court approval, additional fees of \$12,000.00 shall be paid through the plan upon court approval by filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, and Rules 2002, 2016-17. Docs. #26, #41.

Applicant's firm provided **29.05** billable hours at the following rates, totaling **\$6,230.50** in fees:

Professional	Rate	Billed	Total
Scott Lyons	\$400.00	0.23	\$92.00
Louis Lyons	\$350.00	10.39	\$3,374.00
Sylvia Gutierrez, Legal Secretary	\$150.00	18.43	\$2,764.50
Total Hours & Fees		29.05	\$6,230.50

Docs. ##44,46. Per the moving papers, Applicant also incurred **\$1,260.18** in expenses:

Postage	\$873.68
Filing Fees	\$313.00
Credit Reports	\$74.00
Total Expenses	\$1,260.68

Id. These combined fees and expenses total **\$7,491.18**.

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

Applicant's services here included, without limitation: prepetition consultation and fact gathering; preparation of the petition, Schedules, and Form 22-C; Amendments to petitions or Schedules; 341

preparation and attendance; work on the 1st modified plan; claim administration and objections; motion practice; fee applications; case administration; and communication-correspondence. The court finds these services reasonable, actual, and necessary.

This matter was originally set for hearing on April 24, 2024. Doc. #50. At that time, the court expressed reservations about the request for expense reimbursement, specifically the request for \$873.68 for mailing expenses. According to the billing records, Applicant incurred \$493.12 in expenses for postage, stationery, and reproduction costs to serve Debtors' First Modified Chapter 13 Plan and \$380.56 in expenses for postage, stationery, and reproduction costs to serve the instant Fee Application. Doc. #46.

However, the Certificate of Service accompanying the First Modified Plan indicates that approximately 70 creditors were served via first class mail a total of 19 pages. See Docs. ##24-28. Likewise, the Certificate of Service accompanying the Fee Application indicates that approximately 78 creditors were served via first class mail a total of 17 pages. See Docs. ##44-47.

No party in interest timely filed written opposition and Debtor has consented to payment of the proposed fees. Doc. #44. Nevertheless, the court elected to continue this matter and directed Debtor's counsel to submit evidence in the form of declaration(s) to justify the postage-related expenses. The court advised that failure to timely file such declaration(s) might lead the court to reduce the award for expense reimbursement *sua sponte*.

Debtor's counsel did not submit any of the requested evidence. "The burden of proof is upon the applicant to establish the reasonableness and allowability of its requested fees." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 839 (Bankr. C.D. Cal. 1991

[A]ttorneys who submit a fee application bear the burden of proving an entitlement to fees. A chapter 13 fee application must include evidence that the amount of fees requested is "usual and customary" in comparison to the fees charged for the same tasks performed by other chapter 13 attorneys in other cases. The applications must include sufficient evidence that the requested fees are reasonable.

In re Quiroz, No. 6:17-bk-10255-WJ, 2019 Bankr. LEXIS 3778, at *4 (Bankr. C.D. Cal. Dec. 12, 2019).

Here, Debtor's counsel failed to respond to the court's request for additional evidence to support the award of compensation for postage which the court thought beyond the "usual and customary" amounts that other chapter 13 attorneys charge. Accordingly, the request for compensation for expenses is disallowed as to the \$873.68 in postage. The application is otherwise approved, and this motion will be GRANTED. Applicant shall be awarded **\$6,230.50** in fees as reasonable compensation for services rendered and **\$205.00** in reimbursement of actual, necessary expenses on an interim basis under 11 U.S.C. §§ 330 and 331. The chapter 13 trustee will be

authorized to pay Applicant **\$6,435.50** through the confirmed plan for services and expenses June 19, 2023, through March 20, 2024.

3. [23-12715](#)-B-13 **IN RE: VICTOR ISLAS-ZAVALA AND LORENA GONZALEZ**
[TCS-4](#)

MOTION TO CONFIRM PLAN
4-19-2024 [\[62\]](#)

LORENA GONZALEZ/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: The hearing will proceed as scheduled.

DISPOSITION: Granted, Denied or Continued.

ORDER: Determined at the hearing.

Victor Islas-Zavala and Lorena Gonzalez ("Debtors") move for an order confirming the *Second Modified Chapter 13 Plan* dated April 19, 2024. Doc. #44. No plan has been confirmed thus far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The modified plan provides for a secured creditor, but no Class 1 checklist has been provided to the Trustee as required by 11 U.S.C. §1325(a)(1).
2. The plan provides for payments to creditors for more than five years. To complete the plan within five years, the monthly plan payment must be increased from \$1,520.00 for months 4-60 to \$1,860.00 beginning in month 4.
3. Debtors are delinquent \$2,920.00 in plan payments as of April 2024. Payments to Class 1 Creditor U.S. Bank, N.A. are delinquent two months or \$1,828.84 as of April 2024. Debtor also has a Class 2(B) claim for which no motion for valuation of collateral has been filed so far.
4. The plan provides for \$4,000.00 in attorneys' fees and for an attorney fee monthly dividend of \$100.00 per month. Trustee calculates that this must be reduced to no more than \$64.80 per month to comply with LBR 2016-1(c).

Doc. #69. On May 15, 2024, Debtors filed a Response to the Objection stating:

1. Debtors appear to consent to an increase in the plan payment, though the Response does not have the correct dollar amount requested by Trustee.
2. Debtors assert that Trustee "can use a post-petition arrearage account to make sure that the Class one creditor receives all 60 on-going distributions over the plan."
3. Debtors' counsel consents to a reduction in attorney fee distribution to be spread over the life of the plan.

4. Debtors state that their "motion to value collateral has already been granted and is waiting for an order." The court notes that this does not seem to speak to Trustee's actual objection arising from Debtors' failure to provide a Class 1 Checklist.
5. Debtors assert that their plan payments will be current by the hearing date.

Doc. #71.

This hearing will be called as scheduled to determine if the Debtors are current, and whether the concessions from the Debtors' Response adequately resolves Trustee's objections. The court may GRANT or DENY the motion, or it may CONTINUE the hearing, as appropriate.

4. [22-11132](#)-B-13 **IN RE: MIGUEL/GRISELDA LAGUNAS**
[TCS-2](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF TIMOTHY C.
SPRINGER FOR NANCY D. KLEPAC, DEBTORS ATTORNEY(S)
5-1-2024 [\[29\]](#)

TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

Nancy Klepac and the Law Offices of Timothy C. Spring (collectively "Applicant"), attorney for Miguel and Griselda Lagunas ("Debtors"), request interim compensation in the sum of **\$5,360.00** under 11 U.S.C. §§ 330 and 331. Doc. #29. This amount consists of **\$5,360.00** in fees and \$0.00 in expenses from June 17, 2022, through April 30, 2024. *Id.* This is Applicant's first fee application.

Debtors executed a statement of consent dated April 30, 2024, indicating that Debtors have read the fee application and approve the same. *Id.* § 9(7).

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and Fed. R. Bankr. P. ("Rule") 2002(a)(6). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is

unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys. Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Section 3.05 of the *Chapter 13 Plan* dated July 5, 2022, confirmed September 9, 2022, indicates that Applicant was paid \$172.00 prior to filing the case and, subject to court approval, additional fees of \$5,828.00 shall be paid through the plan upon court approval by filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, and Rules 2002, 2016-17. Docs. ##3,14.

Applicant's firm provided **14.9** billable hours at the following rates, totaling **\$5,360.00** in fees:

Professional	Rate	Billed	Total
Nancy Klepac	\$400.00	5.9	\$2,360.00
Timothy Springer	\$400.00	6.6	\$2,640.00
Virginia Ellis	\$150.00	2.4	\$360.00
Total Hours & Fees		14.9	\$5,360.00

Docs. ##29, 31. Applicant does not seek expense reimbursement. *Id.*

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

Applicant's services here included, without limitation: prepetition consultation and fact gathering; preparation of petition schedules, and Form 22C; independent verification of information; original plan, hearings, objections; 341 preparation and attendance; claim administration and claim objections; and fee applications.

Docs. ##29, 31. The court finds these services and expenses reasonable, actual, and necessary. No party in interest timely filed written opposition and Debtor has consented to payment of the proposed fees. Doc. #29.

Accordingly, this motion will be GRANTED. Applicant shall be awarded **\$5,360.00** in fees as reasonable compensation for services rendered and **\$0.00** in reimbursement of actual, necessary expenses on an interim basis under 11 U.S.C. §§ 330 and 331. The chapter 13 trustee will be authorized to pay Applicant **\$5,360.00** through the confirmed plan for services and expenses from June 17, 2022, through April 30, 2024. *Id.*

5. [24-10538](#)-B-13 **IN RE: RONALD MONTGOMERY**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
4-8-2024 [\[19\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

After posting the original pre-hearing dispositions, the court has supplemented its intended ruling on this matter.

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

DISPOSITION: Withdrawn

No order is required.

On May 22, 2024, the Trustee withdrew the Objection to Confirmation in the above-styled case. Accordingly, this Objection is WITHDRAWN.

6. [24-10950](#)-B-13 **IN RE: JIMMY DILLON**
[SL-1](#)

MOTION TO VALUE COLLATERAL OF TOYOTA FINANCIAL SERVICES
4-29-2024 [\[12\]](#)

JIMMY DILLON/MV
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

Jimmy Dillon ("Debtor") moves for an order valuing a 2017 Toyota Camry ("Vehicle") with a mileage of 63,000 at \$8,856.00 under 11 U.S.C. § 506(a). Doc. #15. Vehicle is encumbered by a purchase money security interest in favor of Toyota Financial Services ("Creditor"). Doc. #15 et seq.; cf. Proof of Claim 6-1. Debtor complied with Fed. R. Bankr. P. 3012(b) and 7004(b)(3) by serving Creditor's CEO/CFO at Creditor's headquarters. Doc. #16.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a

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

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

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

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

Here, Debtors borrowed money from Creditor to purchase Vehicle on or about May 22, 2020, which is more than 910 days preceding the April 15, 2024 petition date. Doc. #1; POC #6-1. Thus, the elements of § 1325(a)(*) are not met and § 506 is applicable.

Debtor declares Vehicle has a replacement value of \$8,856.00. Doc. #15. Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at \$8,856.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

7. [24-10060](#)-B-13 **IN RE: JENNIFER GITMED**
[HDN-2](#)

MOTION TO CONFIRM PLAN
4-16-2024 [\[36\]](#)

JENNIFER GITMED/MV
HENRY NUNEZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled, Sustained or Continued.

ORDER: Order determined at the hearing.

Jennifer Gitmed ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated April 5, 2024. Docs. #27,36. No plan has been confirmed so far. Lilian G. Tsang, Chapter 13 Trustee ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The plan provides for payments to creditors for longer than 5 years. Trustee estimates that the monthly plan payment will need to be increased from \$5,135.00 to \$13,497.68 to complete within five years. Also, the plan proposes that Debtor sell real property at 5135 W. Shaw Avenue (which is subject to an IRS lien) within 36 months, but the plan does not propose an estimated sale price or net proceeds, and so Trustee cannot determine if the plan will fund.
2. Debtor is delinquent \$1,950.00 as of April 2024.
3. It appears that Debtor's counsel seeks more fees prepetition than is allowed under LBR 2016-1(c). Attorneys' fees to be paid through the plan will need to be reduced to \$100.00 per month.

Doc. #43. On May 15, 2024, Debtor filed a *Response to the Trustee's Objection*, stating as follows:

1. The IRS claim (POC #1-1) is disputed; Debtor anticipates bringing an objection to that claim prior to the hearing date. Debtor alleges that the tax claim is barred by the statute of limitations. Debtor also avers that she has filed returns for the tax years referenced in the IRS proof of claim and that she owes no taxes for those years.
2. Upon resolution of the IRS claim and the removal of the IRS lien on Debtor's real property, that property can be sold to fully fund a 36-month plan. If it is inadequate for that purpose, plan payments will continue for 60 months.
3. Debtor will cure the plan payment delinquency by the hearing date.
4. The retainer payment to which Trustee objects is allocated as follows: (1) \$2,125.00 for attorneys' fees, and \$375.00 for costs associated with the case. Debtor's attorney will make whatever adjustments are needed to the attorney fee dividend to comply with the Local Rules. Debtor's attorney agrees to

reduce the monthly attorney fee dividend to \$100.00 per month in the confirmation order.

Unless the Trustee withdraws the Objection, this hearing will proceed as scheduled to determine whether Debtor's Response resolves Trustee's Objection. This motion may be OVERRULED, SUSTAINED, or CONTINUED, as appropriate.

8. [24-10060](#)-B-13 **IN RE: JENNIFER GITMED**
[LGT-1](#)

CONTINUED MOTION TO DISMISS CASE HEARING
3-26-2024 [\[22\]](#)

LILIAN TSANG/MV
HENRY NUNEZ/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied or Continued.

ORDER: The court will issue an order.

This matter will be heard in conjunction with Debtor's *Motion to Confirm Plan*. See Item #7, above. If that Motion is granted, the *Motion to Dismiss* will be DENIED AS MOOT. If that matter is continued, the instant matter will also be CONTINUED to the same date.

9. [24-11266](#)-B-13 **IN RE: ADOLFO/AURELIA HERNANDEZ**
[SL-1](#)

MOTION TO EXTEND AUTOMATIC STAY
5-13-2024 [\[9\]](#)

AURELIA HERNANDEZ/MV
SCOTT LYONS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

Adolfo and Aurelia Hernandez ("Debtors") request an order extending the automatic stay under 11 U.S.C. § 362(c)(3). Doc. #9.

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

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless

opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will set a briefing schedule and final hearing unless there is no need to develop the record further. The court will issue an order if a further hearing is necessary.

Under 11 U.S.C. § 362(c)(3)(A), if the debtor has had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay under subsection (a) shall terminate with respect to the debtor on the 30th day after the latter case is filed. Debtors had one case pending within the preceding one-year period that was dismissed: Case No. 20-13727-B-13. That case was filed on November 25, 2020, and was dismissed on February 21, 2024, due to inability to make plan payments. Doc. #11. The current case was filed on May 9, 2024. Doc. #1. The automatic stay will expire on June 9, 2023.

11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor demonstrates that the filing of the latter case is in good faith as to the creditors to be stayed. Such request must be made within 30 days of the petition date.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.'" Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition.'" *Emmert v. Taggart (In re Taggart)*, 548 B.R. 275, 288, n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by *Taggart v. Lorenzen*, 139 S. Ct. 1785 (2019)).

In this case, the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith as to all creditors because Debtors failed to comply with the terms of a confirmed plan as required by § 362(c)(3)(C) because they fell behind in plan payments and becoming delinquent by \$17,710.00 and then voluntarily dismissing the case after the Chapter 13 Trustee filed a motion to dismiss or convert. Doc. #11 (*Declaration of Aurelia Hernandez*).

Debtors declare that the circumstances which led to the dismissal of the prior case include (1) the El Nino rainy season preventing Mr. Hernandez performing his job as a firewood hauler, (2) Mr. Hernandez twice being paid with bounced checks, each for \$4,100.00, and (3) Mrs. Hernandez's hours at Touchstone Pistachios being cut due to issues with the business's production. Doc. #11.

Debtors further declare the existence of factors which demonstrate a change in financial circumstances sufficient to rebut the presumption of bad faith *Id.* Debtors note the plan in the new case

calls for a significantly smaller monthly payment than the prior plan. *Id.* Mr. Hernandez has altered his business operations in ways calculated to reduce his vulnerability to unexpected inclement weather and also to significantly limit the number of customers from whom he will accept payment by check. *Id.* Finally, the Debtors are now renting a room in their home to a family friend in order to bring in extra income. *Id.*

The Chapter 13 plan from the prior case dated March 23, 2021, was a 60-month plan that called for a monthly payment of \$7,330.00, with only an 81% dividend to general unsecured. See *In re Hernandez*, Case No. 20-13727, Doc. #46. The Chapter 13 plan filed in the instant case on May 9, 2024, is a 60-month plan calling for a monthly payment of \$3,500.00 and a 100% distribution to general unsecured. Doc. #3. The Schedule I&J filed in the current case states a monthly net income of \$5,411.56, which is sufficient to fund the plan. Doc. #1.

Based on the moving papers and the record, the presumption appears to have been rebutted by clear and convincing evidence because Debtor's financial condition and circumstances have materially changed. Debtor's petition appears to have been filed in good faith and the proposed plan does appear to be feasible.

This matter will be called and proceed as scheduled. In the absence of opposition at the hearing, this motion may be GRANTED. 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).

10. [24-10769](#)-B-13 **IN RE: NANCY/STEVE WILLIAMS**
[CAS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY BMW BANK OF NORTH AMERICA
5-6-2024 [\[21\]](#)

BMW BANK OF NORTH AMERICA/MV
SUSAN SILVEIRA/ATTY. FOR DBT.
CHERYL SKIGIN/ATTY. FOR MV.

After posting the original pre-hearing dispositions, the court has supplemented its intended ruling on this matter.

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

DISPOSITION: Withdrawn

No order is required.

On May 24, 2024, the Trustee withdrew the Objection to Confirmation in the above-styled case. Accordingly, this Objection is WITHDRAWN.

11. [24-10473](#)-B-13 **IN RE: HILDA CAMPOS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
5-6-2024 [\[32\]](#)

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

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

DISPOSITION: Dropped and taken off calendar.

NO ORDER REQUIRED.

The Chapter 13 trustee's Motion to Dismiss, matter #12 on this calendar, has been granted. Accordingly, this Order to Show Cause will be taken off calendar as moot. No appearance is necessary.

12. [24-10473](#)-B-13 **IN RE: HILDA CAMPOS**
[LGT-1](#)

MOTION TO DISMISS CASE
4-29-2024 [\[27\]](#)

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

DISPOSITION: Granted.

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

The chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by Hilda Campos ("Debtor") that is prejudicial to creditors. Doc. #27. Debtor did not oppose.

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 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). 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 that a plaintiff make a

prima facie showing that they are entitled to the relief sought, which the movant has done here.

The record shows that there has been unreasonable delay by the Debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)). The Debtor failed to:

Appear and testify at the initial 341 Meeting of Creditors on April 16, 2024. [11 U.S.C §341] and/or F.R.B.P 4002;

Provide required documentation to the trustee and failed to provide proof of income for the last 6 months as required by 11 U.S.C. § 521(a)(3) and (4));

Debtor failed to file a complete plan;

Debtor failed to file complete and accurate schedules and/or statements. [11 U.S.C §521];

Debtor has failed to commence making plan payments. [11 U.S.C. §1307(c)(1) and (c)(4)]

Doc. #29.

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.

Debtor has filed inaccurate and/or incomplete schedules; and thus, liquidation cannot be determined in this case.

Unless the trustee's motion is withdrawn before the hearing, the motion will be GRANTED without oral argument for cause shown.

13. [23-12482](#)-B-13 **IN RE: DORA LEON**
[NES-1](#)

AMENDED MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ,
DEBTORS ATTORNEY(S)
5-2-2024 [\[28\]](#)

NEIL SCHWARTZ/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Withdrawn

No order is required.

On May 7, 2024, Dora Leon ("Debtor") withdrew the *Attorney's Motion for Compensation*. Doc. #31. Accordingly, this Motion is WITHDRAWN.

14. [24-10784](#)-B-13 **IN RE: LORENA CARRASCO**
[SL-1](#)

MOTION TO VALUE COLLATERAL OF ONEMAIN FINANCIAL GROUP, LLC
5-9-2024 [\[17\]](#)

LORENA CARRASCO/MV
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

Lorena Carrasco ("Debtor") moves for an order valuing a 2005 Chevrolet Silverado ("Vehicle") at \$5,975.00 under 11 U.S.C. § 506(a). Doc. #15. Vehicle is encumbered by a non-purchase money security interest in favor of OneMain Financial Group, LLC ("Creditor"). Doc. #17 *et seq.*; *cf.* Proof of Claim 10-1. Debtor complied with Fed. R. Bankr. P. 3012(b) and 7004(b)(3) by serving Creditor's CEO/CFO at Creditor's headquarters. Doc. #21.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*,

468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

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

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

Here, Debtors borrowed money from Creditor on or about August 29, 2022, which is less than 910 days preceding the March 28, 2024, petition date. Doc. #1; Doc. #20. However, the Creditor does not hold a purchase money security interest, as the money borrowed did not go to purchase the Vehicle. Thus, the elements of § 1325(a)(*) are not met and § 506 is applicable.

Debtor declares Vehicle has a replacement value of \$5,975.00. Doc. #19. Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at \$5,975.00 The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

15. [23-12585](#)-B-13 **IN RE: RONALD BARHAM**
[JDD-2](#)

MOTION TO CONFIRM PLAN
4-23-2024 [\[46\]](#)

RONALD BARHAM/MV
JONATHAN DOAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

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

DISPOSITION: Continued to June 20, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Ronald Barham ("Debtor") moves for an order confirming the *Third Modified Chapter 13 Plan* dated April 5, 2024. Doc. #40,46. No plan has been confirmed so far. Creditor Mercedes-Benz Financial Services USA LLC ("MBFS"), a secured creditor whose purchase money security lien is secured by a 2021 Mercedes-Benz A35W4 ("the Vehicle") timely objected to confirmation of the plan for the following reason(s):

1. The plan does not provide for adequate protection as required by 11 U.S.C. 1326(A)(1). The plan also wrongly indicates that the lien in question is not subject to a purchase money security interest.
2. The plan proposes to pay an interest rate of 0.00% rather than the applicable *Till* rate.

Doc. #51. Lilian G. Tsang, the Chapter 13 Trustee ("Trustee") also timely filed an Objection on the following grounds:

1. The plan provides for payments for more than five years. The plan currently provides for payments of \$2,556.00 per month for months 1-3, \$7,200.00 for month 4, and then \$8,000.00 per month for months 5-60. Trustee calculates that Debtor will need to pay at least \$8,094.00 for months 5-60 to be feasible.
2. Debtor's Schedule J lists a monthly net income of \$7,559.00 which is inadequate to make the monthly plan payment.
3. Debtor has not filed taxes with the IRS or the California Franchise Tax Board for 2021-2022.

Doc. #55.

This motion to confirm plan will be CONTINUED to **June 20, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or all objections to confirmation are withdrawn, the Debtor shall file and serve a written response to the Objection no later than fourteen (14) days before the continued hearing date. The response shall specifically address each issue raised in the objection(s) to confirmation, state whether each issue is disputed or undisputed, and include admissible evidence to support the

Debtor's position. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

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.

16. [20-12287](#)-B-13 **IN RE: JEFFREY/ANGELA BROWN**
[NES-3](#)

MOTION FOR COMPENSATION FOR NEIL E. SCHWARTZ, DEBTORS
ATTORNEY(S)
4-22-2024 [\[41\]](#)

NEIL SCHWARTZ/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted as modified.

ORDER: The Moving Party shall submit a proposed order.

Professional	Rate	Billed	Total
Neil Schwartz, Attorney	\$350.00	13.50	\$4,725.00
"J.L.", Paralegal	\$175.00	3.20	\$560.00
Total Hours & Fees		16.7	\$5,285.00

Doc. #41. However, the billing records attached as an Exhibit to the Application, as well as the accompanying narrative, indicate that Applicant has only billed **12.40** hours during this period, for a total attorney's fee request of **\$3,457.50**. Doc. #43.

Applicant also incurred **\$60.16** in expenses, entirely from postage. Docs. ##41, 43. This figure is the same in both the Application and the billing records. *Id.*

Using the higher figure for attorney's fees from the Application, the total for fees and expenses is **\$5,345.16**, which is the amount sought in the Application. Doc. #41. Using the lower figure from the Exhibits, the total is **\$3,517.66** which is the amount requested in the Narrative. Doc. #43.

The court will accept the lower figure, which is supported by documentary evidence, as the proper figure for any award. The court advises Applicant to more thoroughly review its applications in the future to ensure that all the information supporting the fee application is correct.

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

The billing records do not divide the work performed into service categories. The Application does, but in light of the apparent factual inaccuracies contained in the Application itself, the court is reluctant to give them credence. As best the court can discern from the billing records, Applicant's services here included, without limitation: communications with the Debtors; work pertaining to a Motion to Incur New Debt (which was denied without prejudice on procedural grounds and never refiled; see *Doc. #41*); review of the Annual Report; and preparing this fee application. The court finds these services and expenses reasonable, actual, and necessary except as to the motion to incur debt which was denied and not re-filed. No party in interest timely filed written opposition and Debtor has consented to payment of the proposed fees. *Doc. #41* at § 9(7).

This matter will proceed as scheduled, so that Applicant may have an opportunity to clarify the inconsistencies alluded to earlier. The court tentatively GRANTS this motion using the lower fee calculation. Applicant shall be awarded **\$3,457.50** in fees as reasonable compensation for services rendered and **\$60.16** in reimbursement of actual, necessary expenses on an interim basis under 11 U.S.C. §§ 330 and 331. The chapter 13 trustee will be authorized to pay Applicant **\$3,517.66** through the confirmed plan for services and expenses from February 16, 2021, through April 22, 2024.

17. [24-10187](#)-B-13 **IN RE: EDWARD MARTIN**
[LGT-2](#)

MOTION TO DISMISS CASE
4-26-2024 [\[30\]](#)

LILIAN TSANG/MV
ERIC GRAVEL/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

The chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by Edward Martin ("Debtor") that is prejudicial to creditors. *Doc. #30*. Debtor did not oppose.

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

The record shows that there has been unreasonable delay by the Debtor that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)). The Debtor failed to:

Appear and testify at the initial 341 Meeting of Creditors on March 19, 2024 and the continued 341 Meeting of Creditors on April 16, 2024. [11 U.S.C §341] and/or F.R.B.P 4002;

Provide required documentation to the trustee as required by 11 U.S.C. § 521(a)(3) and (4);

Debtor has failed to commence making plan payments. [11 U.S.C. §1307(c)(1) and (c)(4)].

Doc. #32.

The docket reflects that Debtor did appear and testify at the second continued 341 meeting conducted on May 7, 2024. See *Docket generally*. The Trustee has not withdrawn this motion nor given any indication that Debtor has provided the required documents or commenced making plan payments.

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.

In addition, the trustee has reviewed the schedules and determined that the Debtor's assets are over encumbered and are of no benefit

to the estate. Because there is no equity to be realized for the benefit of the estate, dismissal is in the best interests of creditors and the estate. Doc. #30.

Unless the trustee's motion is withdrawn before the hearing, the motion will be GRANTED without oral argument for cause shown.

11:00 AM

1. [24-10003](#)-B-7 **IN RE: MARIA LUNA MANZO**
[24-1004](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
3-29-2024 [\[1\]](#)

LABOR COMMISSIONER, STATE OF
CALIFORNIA V. LUNA MANZO
MATTHEW SIROLLY/ATTY. FOR PL.

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

DISPOSITION: Continued to June 20, 2024, at 11:00 a.m.

No order is required.

Pursuant to a Stipulation of the parties approved by the court on May 23, 2024, (see *Doc. #10*), this matter is CONTINUED to June 20, 2024, at 11:00 a.m.

2. [23-12066](#)-B-13 **IN RE: DONALD/JOY RICKETTS**
[23-1038](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
9-21-2023 [\[1\]](#)

C.F. V. RICKETTS
VICTORIA HARP/ATTY. FOR PL.
RESPONSIVE PLEADING

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

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

DISPOSITION: Continued to July 10, 2024, at 11:00 a.m.

ORDER: The court will issue an order.

The court has reviewed Plaintiff's status report (Doc. # 24). The status conference will be continued to July 10, 2024 at 11:00 a.m. Plaintiff to file and serve a status report on or before July 3, 2024. The court's previous order staying proceedings in this adversary proceeding until further order entered December 8, 2023 (Doc. # 22) shall remain in effect.