



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, June 4, 2025
Department A – 510 19th street
Bakersfield, California

At this time, when in-person hearings in Bakersfield will resume is to be determined. No persons are permitted to appear in court for the time being. All appearances of parties and attorneys shall be as instructed below.

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

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

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

Please also note the following:

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

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

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

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

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

1. [25-10307](#)-A-13 **IN RE: GEORGE/SONJA BRYANT**
[TCS-2](#)

MOTION TO CONFIRM PLAN
4-29-2025 [\[39\]](#)

SONJA BRYANT/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
NANCY KLEPAC/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.

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

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice include the names and addresses of persons who must be served with any opposition. The court encourages counsel to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

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

2. [25-10018](#)-A-13 **IN RE: JEANNA ZAMORA**
[RSW-1](#)

CONTINUED MOTION TO CONFIRM PLAN
3-13-2025 [\[13\]](#)

JEANNA ZAMORA/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

3. [25-10825](#)-A-13 **IN RE: RICHARD/ANTOINETTE MADOS**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-2-2025 [\[13\]](#)

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to July 3, 2025 at 9:00 a.m.

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

Richard J. Mados and Antoinette M. Mados (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on March 18, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, (2) the Plan provides for payments to creditors for a period longer than five years, and (3) Debtors have not yet provided Trustee with copies of Debtors' most recent tax returns. Doc. #13. The meeting of creditors was continued to June 10, 2025. See court docket entry entered on April 30, 2025.

Debtors filed a response to Trustee's objection on May 20, 2025. Doc. #18. Trustee filed a reply on May 22, 2025 and maintains that (1) the meeting of creditors has not yet concluded, and (2) Debtors have not provided Trustee with their tax returns or a declaration indicating Debtors are exempt from filing tax returns. Doc. #19.

Because the meeting of creditors has been continued to June 10, 2025, the court is inclined to continue the hearing on this objection to July 3, 2025 at 9:00 a.m.

4. 24-11626-A-13 **IN RE: MANDIP GREWAL**
RSW-3

MOTION TO CONFIRM PLAN
4-24-2025 [103]

MANDIP GREWAL/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

5. 23-11029-A-13 **IN RE: JITMA MANGOIG**
RSW-1

CONTINUED MOTION TO MODIFY PLAN
2-13-2025 [77]

JITMA MANGOIG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

As a procedural matter, the objection filed by the secured creditor does not comply with Local Rule of Practice 9004-(2)(e)(1), which requires that the proof of service for any document be filed as a separate document. Here, the proof of service for the secured creditor's objection was attached to the back of that document and filed as one document. The court encourages counsel for the secured creditor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

6. [25-10737](#)-A-13 **IN RE: HENRY CALDERON**
[KMM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY SERVBANK, SB HEARING
3-31-2025 [\[13\]](#)

SERVBANK, SB/MV
RAJ WADHWANI/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Henry Paul Calderon ("Debtor") filed a voluntary petition under chapter 13 and a chapter 13 plan ("Plan") on March 12, 2025. Doc. #1, 3. Servbank, SB as attorney-in-fact for Panorama Mtg Group, LLC ("Creditor") objected to confirmation of the Plan. Doc. #13. The court continued this matter to June 4, 2025 and ordered Debtor to file and serve a written response to Creditor's objection by May 21, 2025; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by May 28, 2025. Order, Doc. #18.

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

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

7. [25-10142](#)-A-13 **IN RE: MARIANA LUCERO**
[NES-2](#)

MOTION TO CONFIRM PLAN
4-22-2025 [\[32\]](#)

MARIANA LUCERO/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to July 3, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") and creditor Planet Home Lending, LLC ("Creditor") filed objections to the debtor's motion to confirm the chapter 13 plan. Doc. #41, 43. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee and Creditor's oppositions to confirmation are withdrawn, the debtor shall file and serve a

written response to both Trustee and Creditor's oppositions to confirmation no later than June 18, 2025. The responses shall specifically address each issue raised in the objections to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee and Creditor shall file and serve their respective reply, if any, by June 25, 2025.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than June 25, 2025. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee and Creditor's opposition without a further hearing.

8. [25-10352](#)-A-13 **IN RE: MARI RUB-FERRELL**
[LGT-2](#)

MOTION TO DISMISS CASE
4-11-2025 [\[30\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

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

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #30. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) provide Trustee with required documents; (3) file a complete plan (Sections 3.12, 3.14 and 6.02 are blank); (4) file accurate schedules and/or statements; and (5) commence making payments due under the plan. Doc. #30. As of April 11, 2025, plan payments are delinquent in the amount of \$658.15. Id. While this motion is pending, further plan payments will come due. Id.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's

unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors because the debtor failed to appear at the scheduled 341 meeting of creditors and failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

Because the debtor has failed to appear at the meeting of creditors, dismissal rather than conversion is appropriate.

Accordingly, the motion will be GRANTED, and the case dismissed.

9. [25-10352](#)-A-13 **IN RE: MARI RUB-FERRELL**
[SKI-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY SANTANDER CONSUMER USA INC.
3-24-2025 [\[24\]](#)

SANTANDER CONSUMER USA, INC./MV
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The court granted the chapter 13 trustee's motion to dismiss this case (matter #8 above). Therefore, this objection is OVERRULED AS MOOT.

10. [18-12667](#)-A-13 **IN RE: SAMANTHA JOHNSON**
[LGT-4](#)

MOTION TO DISMISS CASE
5-6-2025 [\[127\]](#)

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

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on May 30, 2025. Doc. #132.

11. [25-11067](#)-A-13 **IN RE: ROMELIA FERREL**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-13-2025 [\[47\]](#)

LILIAN TSANG/MV
ONYINYE ANYAMA/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The debtor filed an amended plan on May 30, 2025 (Doc. #60), although no motion to confirm the amended plan has been noticed for hearing as required by Local Rule of Practice 3015-1(d)(1). Therefore, this objection is OVERRULED AS MOOT.

12. [25-11067](#)-A-13 **IN RE: ROMELIA FERREL**
[RMP-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY REAL TIME RESOLUTIONS, INC.
5-16-2025 [\[50\]](#)

REAL TIME RESOLUTIONS, INC./MV
ONYINYE ANYAMA/ATTY. FOR DBT.
RENEE PARKER/ATTY. FOR MV.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The debtor filed an amended plan on May 30, 2025 (Doc. #60), although no motion to confirm the amended plan has been noticed for hearing as required by Local Rule of Practice 3015-1(d)(1). Therefore, this objection is OVERRULED AS MOOT.

13. [25-10674](#)-A-13 **IN RE: FRANCISCA RODRIGUEZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
4-21-2025 [\[12\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to July 3, 2025 at 9:00 a.m.

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

Francisca Rodriguez Rodriguez ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on March 5, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, and (2) the Plan provides for payments to creditors for a period longer than five years due to the priority tax amounts included in the proof of claim filed by the Department of Treasury. Doc. #12. The meeting of creditors was continued to June 24, 2025. See court docket entry entered on May 13, 2025.

Debtor filed a response to Trustee's objection on May 20, 2025 asserting that Debtor needs additional time to prepare her tax returns for 2021 through 2024. Doc. #18.

Because the meeting of creditors has been continued to June 24, 2025, the court is inclined to continue the hearing on this objection to July 3, 2025 at 9:00 a.m.

14. [25-10076](#)-A-13 **IN RE: JUSTIN/THAYER MENG**
[RSW-2](#)

CONTINUED MOTION TO CONFIRM PLAN
3-4-2025 [\[19\]](#)

JUSTIN MENG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee timely opposed this motion but withdrew her opposition. Doc. ##28, 34. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The proposed confirmation order shall reflect the agreed resolution of the trustee's objection, shall include the docket control number of the motion, and shall reference the plan by the date the plan was filed.

15. [25-10780](#)-A-13 **IN RE: GILBERTO COTZAJAY**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
4-21-2025 [\[16\]](#)

LILIAN TSANG/MV
GREGORY SHANFELD/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtor filed a first modified plan on May 28, 2025 (WSL-1, Doc. #31), with a motion to confirm the modified plan set for hearing on July 10, 2025 at 9:30 a.m. Doc. ##27-32.

16. [25-10780](#)-A-13 **IN RE: GILBERTO COTZAJAY**
[LGT-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
5-2-2025 [\[20\]](#)

LILIAN TSANG/MV
GREGORY SHANFELD/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

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

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

The chapter 13 trustee Lilian G. Tsang ("Trustee") objects to the claims of exemptions asserted by Gilberto Cotzajay ("Debtor"), the chapter 13 debtor in this case, because Debtor has claimed exemptions using Missouri state bankruptcy law but testified to living in different states within the last three (3) years without disclosing those addresses or length of residency on Debtor's statement of financial affairs. Doc. #20; Decl. of Karina Rodriguez,

Doc. #22. Because of this discrepancy, Trustee is unable to determine if Debtor is using the correct bankruptcy exemptions. Doc. #20. Debtor did not oppose.

Pursuant to 11 U.S.C. § 522(b)(3), if the debtor's domicile has been located in more than a single state during the 730 days immediately preceding the date of the filing of the petition, the exemptions that the debtor can use are the exemptions for the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place.

Because it is unclear from the record whether Debtor has properly claimed exemptions under Missouri law, Trustee has met her burden of proof pursuant to Federal Rule of Bankruptcy Procedure 4003(c). Accordingly, Trustee's objection to Debtor's claimed exemptions is SUSTAINED.

17. [24-13289](#)-A-13 **IN RE: JORGE PERALES**
[DMG-2](#)

MOTION TO CONFIRM PLAN
4-17-2025 [[66](#)]

JORGE PERALES/MV
D. GARDNER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped as moot.

ORDER: The court will issue an order.

The debtor filed an amended plan on May 23, 2025 (DMG-3, Doc. #76), with a motion to confirm the amended plan set for hearing on July 3, 2025. Doc. ##75-79. Therefore, this motion is DROPPED AS MOOT.

10:00 AM

1. [25-11128](#)-A-7 **IN RE: JAMIE HORTON**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
4-22-2025 [\[13\]](#)

JOSEPH PEARL/ATTY. FOR DBT.

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the incorrect contact information was updated by the debtor's counsel. Therefore, this order to show cause will be VACATED. No appearance is necessary.

2. [25-11130](#)-A-7 **IN RE: ISMAEL GODOY**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
4-23-2025 [\[13\]](#)

JOSEPH PEARL/ATTY. FOR DBT.

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the incorrect contact information was updated by the debtor's counsel. Therefore, this order to show cause will be VACATED. No appearance is necessary.

3. [25-11131](#)-A-7 **IN RE: JAMES SMITH**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
4-23-2025 [\[13\]](#)

JOSEPH PEARL/ATTY. FOR DBT.

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the incorrect contact information was updated by the debtor's counsel. Therefore, this order to show cause will be VACATED. No appearance is necessary.

4. [25-11034](#)-A-7 **IN RE: GEORGE VENTURA**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
4-17-2025 [\[14\]](#)

DAVID CHUNG/ATTY. FOR DBT.

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the incorrect contact information was updated by the debtor's counsel. Therefore, this order to show cause will be VACATED. No appearance is necessary.

5. [25-11072](#)-A-7 **IN RE: ESSAU GOMEZ-ALVARADO AND DEISY GOMEZ-GARIBAY**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
4-21-2025 [\[13\]](#)

DIXON KUMMER/ATTY. FOR DBT.

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the incorrect contact information was updated by the debtors' counsel. Therefore, this order to show cause will be VACATED. No appearance is necessary.

6. [25-11078](#)-A-7 **IN RE: JESSIE BARRAZA**
[JMV-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT
SEC. 341(A) MEETING OF CREDITORS
5-2-2025 [\[19\]](#)

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

DISPOSITION: Conditionally denied.

ORDER: The court will issue the order.

The chapter 7 trustee's motion to dismiss is CONDITIONALLY DENIED.

The debtor shall attend the meeting of creditors rescheduled for June 6, 2025 at 11:00 a.m. via Zoom. If the debtor fails to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

//

The time prescribed in Federal Rules of Bankruptcy Procedure 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtor's discharge or file motions for abuse, other than presumed abuse, under 11 U.S.C. § 707, is extended to 60 days after the conclusion of the meeting of creditors.

7. [25-10985](#)-A-7 **IN RE: MICHAEL/KAILEY SALINAS**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
4-16-2025 [[12](#)]

SCOTT MCDONALD/ATTY. FOR DBT.

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the incorrect contact information was updated by the debtors' counsel. Therefore, this order to show cause will be VACATED. No appearance is necessary.

8. [25-11560](#)-A-7 **IN RE: SANDRA REED**
[LV-3](#)

AMENDED MOTION FOR RELIEF FROM AUTOMATIC STAY.
6-2-2025 [[66](#)]

LAN VU/MV
OST 5/29/25

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

On May 29, 2025, the court granted the movant's ex parte Motion for Order Shortening Time to hear the movant's Motion for Relief from the Automatic Stay. Order, Doc. #48. This motion was set for hearing on June 4, 2025 at 10:00 a.m. pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). Pursuant to the order shortening time, written opposition was not required, and any opposition may be raised at the hearing. However, the notice of hearing filed with the motion states that written opposition must be filed before the hearing and that failure to file written response may result in the court granting the motion prior to the hearing. Doc. #67. Because the court did not order that written opposition was required, the notice of hearing is not accurate and does not comply with LBR 9014-1(f)(3).

10:30 AM

1. [24-12709](#)-A-11 **IN RE: KEWEL MUNGER**
[WJH-14](#)

SCHEDULING STATUS CONFERENCE RE: MOTION FOR TURNOVER OF PROPERTY UNDER
SEC. 542 (A)
12-11-2024 [[140](#)]

KEWEL MUNGER/MV
RILEY WALTER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued August 7, 2025 at 10:30 a.m.

ORDER: The court will issue an order.

Pursuant to the joint status report filed on May 27, 2025 (Doc. #381), the
status conference will be continued to August 7, 2025 at 10:30 a.m.

The parties shall file either joint or unilateral status report(s) not later
than July 31, 2025.

2. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
11-28-2022 [[1](#)]

D. GARDNER/ATTY. FOR DBT.

NO RULING.

3. [25-10343](#)-A-12 **IN RE: BART FLORES**
[CAE-1](#)

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

WILEY RAMEY/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

4. [25-11791](#)-A-11 **IN RE: FRED RAU DAIRY, INC**
[FW-2](#)

MOTION TO USE CASH COLLATERAL
5-30-2025 [[4](#)]

FRED RAU DAIRY, INC/MV
PETER FEAR/ATTY. FOR DBT.

NO RULING.

1. [22-10825](#)-A-7 **IN RE: JAMIE/MARIA GARCIA**
[22-1018](#) [BBR-10](#)

MOTION TO COMPEL INITIAL DISCLOSURES, AND/OR MOTION TO COMPEL ADELA GARCIA TO RESPOND TO WRITTEN DISCOVERY, MOTION FOR COMPENSATION BY THE LAW OFFICE OF BELDEN BLAINE RAYTIS, LLP FOR VIVIANO E. AGUILAR, PLAINTIFFS ATTORNEY(S) 5-7-2025 [\[172\]](#)

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL
VIVIANO AGUILAR/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.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the defendant to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the defendant to this motion is entered. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

Agro Labor Services, Inc. and Cal Central Harvesting, Inc. (collectively, "Plaintiffs") move pursuant to Federal Rule of Civil Procedure ("Rule") 37, made applicable to this adversary proceeding through Federal Rule of Bankruptcy Procedure Rule 7037, for an order compelling Adela Garcia ("Co-Defendant") to serve her initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories as well as awarding attorney's fees. Motion, Doc. #172. While Co-Defendant was originally represented in this adversary proceeding by counsel Phillip Gillet ("Mr. Gillet"), Co-Defendant's counsel withdrew from this adversary proceeding on May 5, 2025, and Co-Defendant now represents herself. Order, Doc. #170.

The court GRANTS Plaintiffs' motion because Plaintiffs met the certification requirements of Rule 37(a)(1) before filing this motion and Co-Defendant has failed to provide the discovery requested in the motion. Further, because the court is GRANTING Plaintiffs' motion to compel, the court will award attorney's fees in the requested amount of \$1,085.00.

Motion to Compel Standard

Rule 37(a)(1) requires that a motion to compel discovery "include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make . . . discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1). This certification

requirement was described in Shuffle Master v. Progressive Games, 170 F.R.D. 166 (D. Nev. 1996), as comprising two elements:

[T]wo components are necessary to constitute a facially valid motion to compel. First is the actual certification document. The certification must accurately and specifically convey to the court who, where, how, and when the respective parties attempted to personally resolve the discovery dispute. Second is the performance, which also has two elements. The moving party performs, according to the federal rule, by certifying that he or she has (1) in good faith (2) conferred or attempted to confer. Each of these two subcomponents must be manifested by the facts of a particular case in order for a certification to have efficacy and for the discovery motion to be considered.

Shuffle Master, 170 F.R.D. at 170 (emphasis in original).

The Shuffle Master court explained: "[A] moving party must include more than a cursory recitation that counsel have been 'unable to resolve the matter.'" Shuffle Master, 170 F.R.D. at 171. To meet the certification requirement,

counsel must set forth 'essential facts sufficient to enable the court to pass a preliminary judgment on the adequacy and sincerity of the good faith conferment between the parties. That is, a certificate must include, *inter alia*, the names of the parties who conferred or attempted to confer, the manner by which they communicated, the dispute at issue, as well as the dates, times, and results of their discussions, if any.'

In re Sanchez, No. 03-22417-D-13L, 2008 WL 4155115, at *3 (Bankr. E.D. Cal. Sept. 8, 2008) (quoting Shuffle Master, 170 F.R.D. at 171).

"[G]ood faith cannot be shown merely through the perfunctory parroting of statutory language on the certificate to secure court intervention; rather [the rule] mandates a genuine attempt to resolve the discovery dispute through non-judicial means." Shuffle Master, 170 F.R.D. at 171.

The Shuffle Master court held that Rule 37(a)(1) "requires a party to have had or attempted to have had an actual meeting or conference." Shuffle Master, 170 F.R.D. at 171. "'[C]onferring' under [Rule 37(a)(1)] must be a personal or telephonic consultation during which the parties engage in meaningful negotiations or otherwise provide legal support for their position." Id. at 172. The Shuffle Master court found that a series of facsimile letters transmitted between parties in that case did not satisfy the requirement. Id.

These principles were adopted and applied in the bankruptcy context in Sanchez, in which the bankruptcy court concluded that the motion to compel in that case, supported by a supplemental declaration that referred to and quoted several letters between parties, and referred to a single conversation with Plaintiffs' counsel, did not qualify as an "actual certification document" that "accurately and specifically convey[s] to the court who, where, how, and when the respective parties attempted to personally resolve the discovery dispute." Sanchez, 2008 WL 4155115, at *3. Further, "it appears no attempt was made to arrange a personal or telephonic communication to meaningfully discuss the discovery disputes." Id.

The court adopts the standards set forth in Shuffle Master, and as applied in this case, finds that Plaintiffs' motion satisfies the certification requirement of Rule 37(a)(1).

Application to Plaintiffs' Motion

Plaintiffs' motion contains a certification statement in the declaration of Viviano E. Aguilar. Mr. Aguilar testifies that he has "in good faith conferred and attempted to confer with Co-Defendant in an effort to obtain Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories pursuant to Federal Rule of Civil Procedure 37(a)(1), Federal Rule of Bankruptcy Procedure 7037, and the Court's Scheduling Order (Doc. #35, 43, 80), as demonstrated by Exhibit B-D attached hereto." Decl. of Viviano E. Aguilar, Doc. #174; Exs. B-D, Doc. #175.

Jamie Rene Garcia and Maria Cruz Garcia (together, "Initial Defendants") filed a voluntary petition under chapter 7 on May 17, 2022. Case No. 22-10825, Doc. #1. On August 19, 2022, Plaintiffs commenced adversary proceeding 22-1018 by filing their complaint for determination of dischargeability of debt pursuant to 11 U.S.C. §§ 523(a)(2)(A), (a)(3)(B), (a)(4) and (a)(6) against Initial Defendants ("First Adversary Proceeding"). Doc. #1. The Initial Defendants filed their answer on September 16, 2022. Doc. #7.

Co-Defendant filed a voluntary petition under chapter 7 along with co-debtor Rene Hernandez Garcia on June 10, 2022. Case No. 22-10982, Doc. #1. On September 19, 2022, Plaintiffs commenced adversary proceeding 22-1020 by filing their complaint for determination of dischargeability of debt pursuant to 11 U.S.C. §§ 523(a)(2)(A), (a)(3)(B), (a)(4) and (a)(6) against Co-Defendant ("Second Adversary Proceeding"). Adv. Proc. 22-1020, Doc. #1. Co-Defendant filed her answer in the Second Adversary Proceeding on January 23, 2023, and an amended answer in the Second Adversary Proceeding on January 25, 2023. Adv. Proc. 22-1020, Doc. #20, 22.

On February 9, 2023, the Initial Defendants and Co-Defendant (collectively, "Defendants") and Plaintiffs stipulated to consolidation of the First Adversary Proceeding and the Second Adversary Proceeding as both adversary proceedings were in the preliminary stages, discovery was not yet complete, and the facts/claims were related. Doc. #42; Aguilar Decl., Doc. #174.

On December 29, 2022, Plaintiffs and Initial Defendants filed a joint discovery plan in the First Adversary Proceeding. Doc. #31; Aguilar Decl., Doc. #174. Plaintiffs served their initial disclosures on Mr. Gillet but no initial disclosures were served on Plaintiffs. Aguilar Decl., Doc. #174. An amended scheduling order was entered after consolidation of the adversary proceedings. Doc. #43; Aguilar Decl., Doc. #174. A motion to amend the scheduling order was filed and an extension of time was granted. Doc. #46, 76.

After Defendants invoked their fifth amendment rights due to a pending criminal action regarding the same subject matter, Plaintiffs and Defendants stipulated to stay the adversary proceeding pending the resolution of the criminal case. Doc. #84; Aguilar Decl., Doc. #174. On August 29, 2024, Plaintiffs filed a status report stating that the criminal matters involving Defendants had been resolved and the stay in the consolidated adversary proceeding should be lifted. Doc. #89; Aguilar Decl., Doc. #174. On October 2, 2024, Plaintiffs filed a motion to compel Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories but the court denied the motion finding that Plaintiffs did not meet the certification requirements of Rule 37(a)(1). Order, Doc. #131.

Plaintiffs refiled the instant motion to compel on May 7, 2025. Doc. #172. In the memorandum of points and authorities ("MPA") filed with the motion to compel, Plaintiffs' counsel contends that Plaintiffs' counsel made good faith

attempts to meet and confer with Co-Defendant regarding Co-Defendant's responses to discovery. MPA, Doc. #176. To support this statement, Plaintiffs' counsel highlights that upon being informed that Mr. Gillet intended to seek permission to withdraw as counsel and requested that Plaintiffs' counsel contact Co-Defendant directly, attorney Viviano Aguilar sent a letter via overnight delivery to Co-Defendant's address on file. Aguilar Decl., Doc. #174; Ex. E, Doc. #175. In this letter, Plaintiffs' counsel asked Co-Defendant to contact Plaintiffs' counsel by January 6, 2025 to meet and confer regarding pending discovery items. Aguilar Decl., Doc. #174; Ex. E, Doc. #175.

Plaintiffs' counsel received an initial response from Co-Defendant and scheduled a telephone call for January 14, 2025. Aguilar Decl., Doc. #174. However, Co-Defendant was not able to be reached by telephone at the scheduled time, and Plaintiffs' counsel left a voicemail. Id. On January 24, 2025, Plaintiffs' counsel sent another letter by overnight delivery to Co-Defendant's address on file asking for Co-Defendant to contact Plaintiffs' counsel to discuss the pending discovery items. Aguilar Decl., Doc. #174; Ex. F, Doc. #175.

On February 6, 2025, Plaintiffs' counsel spoke with Co-Defendant about the pending discovery items in which Co-Defendant stated she had "given everything" relevant for discovery to Mr. Gillet. Aguilar Decl., Doc. #174. Plaintiffs' counsel reached out to Mr. Gillet by email about this matter, and Mr. Gillet responded stating that he did not have responsive documents to produce and would not be providing responses to the discovery in this matter. Aguilar Decl., Doc. #174; Ex. G, Doc. #175. Co-Defendant was copied on these email responses. Aguilar Decl. ¶20, Doc. #174.

On or about March 28, 2025, Plaintiffs' counsel spoke to Co-Defendant again by telephone to advise Co-Defendant of the need for initial disclosures and responses to the written discovery request and sent an email containing the same information. Ex. H, Doc. #175. No response was provided by Co-Defendant after this correspondence. Aguilar Decl., Doc. #174. Mr. Aguilar confirmed Co-Defendant's contact information through Mr. Gillet directly as well as Mr. Gillet's multiple motions to withdraw as counsel filed. Id.

Plaintiffs' motion to compel is granted because Plaintiffs met the certification requirements of Rule 37(a)(1) before filing this motion and Co-Defendant has not served Plaintiffs' counsel with her initial disclosures or provided responses and produced documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories.

Request for Attorney's Fees

Rule 37(a)(4) permits a moving party to recover reasonable expenses incurred in making a discovery motion, including attorney's fees, provided the court grants the motion or the discovery is provided after the filing of the motion. Because Plaintiffs filed this motion after attempting in good faith to confer with Co-Defendant to obtain Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories and such discovery has not been provided by Co-Defendant to Plaintiffs' counsel and the court is granting Plaintiffs' motion, it is appropriate to award Plaintiffs reasonable attorneys' fees for bringing this motion. The court finds that Plaintiffs' request for attorney's fees in the amount of \$1,085.00 is reasonable and the awards fees in that amount.

Conclusion

Accordingly, the motion is GRANTED. By no later than 28 days after service of a notice of the entry of the order granting this motion, Co-Defendant shall:

(a) provide Co-Defendant's initial disclosures to Plaintiffs; (b) provide written responses to Plaintiffs' First Set of Interrogatories; and (c) produce documents responsive to Plaintiffs' First Set of Requests for Production of Documents, and specifically state in writing as to each request that Co-Defendant determines she has no responsive documents within her possession, custody, or control. Service of the notice of entry of the order granting this motion shall be accompanied by a copy of the written discovery that is the subject of this motion. In addition, Plaintiffs are awarded \$1,085.00 in attorney's fees for bringing this motion.

Co-Defendant is cautioned that any failure to obey this order may result in sanctions, including the rendering of a default judgment against Co-Defendant upon motion by Plaintiffs pursuant to LBR 9014-1(f)(1).

2. [22-10825](#)-A-7 **IN RE: JAMIE/MARIA GARCIA**
[22-1018](#) [BBR-11](#)

MOTION TO COMPEL INITIAL DISCLOSURES, AND/OR MOTION TO COMPEL JAMIE RENE GARCIA TO RESPOND TO WRITTEN DISCOVERY, MOTION FOR COMPENSATION BY THE LAW OFFICE OF BELDEN BLAINE RAYTIS, LLP FOR VIVIANO E. AGUILAR, PLAINTIFFS ATTORNEY(S)
5-7-2025 [\[178\]](#)

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL
VIVIANO AGUILAR/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.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the defendant to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the defendant to this motion is entered. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

Agro Labor Services, Inc. and Cal Central Harvesting, Inc. (collectively, "Plaintiffs") move pursuant to Federal Rule of Civil Procedure ("Rule") 37, made applicable to this adversary proceeding through Federal Rule of Bankruptcy Procedure Rule 7037, for an order compelling Jamie Rene Garcia ("Co-Defendant") to serve his initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories as well as awarding attorney's fees. Motion, Doc. #178. While Co-Defendant was originally represented in this adversary proceeding by counsel Phillip Gillet ("Mr. Gillet"), Co-Defendant's counsel withdrew from this adversary proceeding on May 5, 2025, and Co-Defendant now represents himself. Order, Doc. #170.

The court GRANTS Plaintiffs' motion because Plaintiffs met the certification requirements of Rule 37(a)(1) before filing this motion and Co-Defendant has failed to provide the discovery requested in the motion. Further, because the court is GRANTING Plaintiffs' motion to compel, the court will award attorney's fees in the requested amount of \$1,855.00.

Motion to Compel Standard

Rule 37(a)(1) requires that a motion to compel discovery "include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make . . . discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1). This certification requirement was described in Shuffle Master v. Progressive Games, 170 F.R.D. 166 (D. Nev. 1996), as comprising two elements:

[T]wo components are necessary to constitute a facially valid motion to compel. First is the actual certification document. The certification must accurately and specifically convey to the court who, where, how, and when the respective parties attempted to personally resolve the discovery dispute. Second is the performance, which also has two elements. The moving party performs, according to the federal rule, by certifying that he or she has (1) in good faith (2) conferred or attempted to confer. Each of these two subcomponents must be manifested by the facts of a particular case in order for a certification to have efficacy and for the discovery motion to be considered.

Shuffle Master, 170 F.R.D. at 170 (emphasis in original).

The Shuffle Master court explained: "[A] moving party must include more than a cursory recitation that counsel have been 'unable to resolve the matter.'" Shuffle Master, 170 F.R.D. at 171. To meet the certification requirement,

counsel must set forth 'essential facts sufficient to enable the court to pass a preliminary judgment on the adequacy and sincerity of the good faith conferment between the parties. That is, a certificate must include, *inter alia*, the names of the parties who conferred or attempted to confer, the manner by which they communicated, the dispute at issue, as well as the dates, times, and results of their discussions, if any.'

In re Sanchez, No. 03-22417-D-13L, 2008 WL 4155115, at *3 (Bankr. E.D. Cal. Sept. 8, 2008) (quoting Shuffle Master, 170 F.R.D. at 171).

"[G]ood faith cannot be shown merely through the perfunctory parroting of statutory language on the certificate to secure court intervention; rather [the rule] mandates a genuine attempt to resolve the discovery dispute through non-judicial means." Shuffle Master, 170 F.R.D. at 171.

The Shuffle Master court held that Rule 37(a)(1) "requires a party to have had or attempted to have had an actual meeting or conference." Shuffle Master, 170 F.R.D. at 171. "'[C]onferring' under [Rule 37(a)(1)] must be a personal or telephonic consultation during which the parties engage in meaningful negotiations or otherwise provide legal support for their position." Id. at 172. The Shuffle Master court found that a series of facsimile letters transmitted between parties in that case did not satisfy the requirement. Id.

These principles were adopted and applied in the bankruptcy context in Sanchez, in which the bankruptcy court concluded that the motion to compel in that case, supported by a supplemental declaration that referred to and quoted several

letters between parties, and referred to a single conversation with Plaintiffs' counsel, did not qualify as an "actual certification document" that "accurately and specifically convey[s] to the court who, where, how, and when the respective parties attempted to personally resolve the discovery dispute." Sanchez, 2008 WL 4155115, at *3. Further, "it appears no attempt was made to arrange a personal or telephonic communication to meaningfully discuss the discovery disputes." Id.

The court adopts the standards set forth in Shuffle Master, and as applied in this case, finds that Plaintiffs' motion satisfies the certification requirement of Rule 37(a)(1).

Application to Plaintiffs' Motion

Plaintiffs' motion contains a certification statement in the declaration of Viviano E. Aguilar. Mr. Aguilar testifies that he has "in good faith conferred and attempted to confer with Co-Defendant in an effort to obtain Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories pursuant to Federal Rule of Civil Procedure 37(a)(1), Federal Rule of Bankruptcy Procedure 7037, and the Court's Scheduling Order (Doc. ##35, 43, 80), as demonstrated by Exhibit B-E attached hereto." Decl. of Viviano E. Aguilar, Doc. #180; Exs. B-E, Doc. #181.

Co-Defendant and Maria Cruz Garcia (together, "Initial Defendants") filed a voluntary petition under chapter 7 on May 17, 2022. Case No. 22-10825, Doc. #1. On August 19, 2022, Plaintiffs commenced adversary proceeding 22-1018 by filing their complaint for determination of dischargeability of debt pursuant to 11 U.S.C. §§ 523(a)(2)(A), (a)(3)(B), (a)(4) and (a)(6) against Initial Defendants ("First Adversary Proceeding"). Doc. #1. The Initial Defendants filed their answer on September 16, 2022. Doc. #7.

Adela Garcia filed a voluntary petition under chapter 7 along with co-debtor Rene Hernandez Garcia on June 10, 2022. Case No. 22-10982, Doc. #1. On September 19, 2022, Plaintiffs commenced adversary proceeding 22-1020 by filing their complaint for determination of dischargeability of debt pursuant to 11 U.S.C. §§ 523(a)(2)(A), (a)(3)(B), (a)(4) and (a)(6) against Adela Garcia ("Second Adversary Proceeding"). Adv. Proc. 22-1020, Doc. #1. Adela Garcia filed her answer in the Second Adversary Proceeding on January 23, 2023, and an amended answer in the Second Adversary Proceeding on January 25, 2023. Adv. Proc. 22-1020, Doc. ##20, 22.

On February 9, 2023, the Initial Defendants and Adela Garcia (collectively, "Defendants") and Plaintiffs stipulated to consolidation of the First Adversary Proceeding and the Second Adversary Proceeding as both adversary proceedings were in the preliminary stages, discovery was not yet complete, and the facts/claims were related. Doc. #42; Aguilar Decl., Doc. #180.

On December 29, 2022, Plaintiffs and Initial Defendants filed a joint discovery plan. Doc. #31; Aguilar Decl., Doc. #180. Plaintiffs served their initial disclosures on Mr. Gillet but no initial disclosures were served on Plaintiffs. Aguilar Decl., Doc. #180. An amended scheduling order was entered after consolidation of the adversary proceedings. Doc. #43; Aguilar Decl., Doc. #180. A motion to amend the scheduling order was filed and an extension of time was granted. Doc. ##46, 76.

After Defendants invoked their fifth amendment rights due to a pending criminal action regarding the same subject matter, Plaintiffs and Defendants stipulated to stay the adversary proceeding pending the resolution of the criminal case. Doc. #84; Aguilar Decl., Doc. #180. On August 29, 2024, Plaintiffs filed a

status report stating that the criminal matters involving Defendants had been resolved and the stay in the consolidated adversary proceeding should be lifted. Doc. #89; Aguilar Decl., Doc. #180. On October 2, 2024, Plaintiffs filed a motion to compel Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories but the court denied the motion finding that Plaintiffs did not meet the certification requirements of Rule 37(a)(1). Order, Doc. #132.

Plaintiffs refiled the instant motion to compel on May 7, 2025. Doc. #178. In the memorandum of points and authorities ("MPA") filed with the motion to compel, Plaintiffs' counsel contends that Plaintiffs' counsel made good faith attempts to meet and confer with Co-Defendant regarding Co-Defendant's responses discovery. MPA, Doc. #182. To support this statement, Plaintiffs' counsel highlights that upon being informed that Mr. Gillet intended to seek permission to withdraw as counsel and requested that Plaintiffs' counsel contact Co-Defendant directly, attorney Viviano Aguilar sent a letter via overnight delivery to Co-Defendant's address on file. Aguilar Decl., Doc. #180; Ex. F, Doc. #181. In this letter, Plaintiffs' counsel asked Co-Defendant to contact Plaintiffs' counsel by January 6, 2025 to meet and confer regarding pending discovery items but did not receive a response from Co-Defendant. Aguilar Decl., Doc. #180; Ex. F, Doc. #181. On January 24, 2025, Plaintiffs' counsel sent another letter to Co-Defendant asking for Co-Defendant to contact them to discuss the pending discovery items via email and overnight delivery to Co-Defendant's address on file. Aguilar Decl., Doc. #180; Ex. G, Doc. #181. No response to the letter was received from Co-Defendant and there was a "bounce back" on the email sent to Co-Defendant indicating that the email was undeliverable. Id. Mr. Aguilar confirmed Co-Defendant's contact information through Mr. Gillet directly as well as Mr. Gillet's multiple motions to withdraw as counsel filed. Aguilar Decl., Doc. #180.

Plaintiffs' motion to compel is granted because Plaintiffs met the certification requirements of Rule 37(a)(1) before filing this motion and Co-Defendant has not served Plaintiffs' counsel with his initial disclosures or provided responses and produced documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories.

Request for Attorney's Fees

Rule 37(a)(4) permits a moving party to recover reasonable expenses incurred in making a discovery motion, including attorney's fees, provided the court grants the motion or the discovery is provided after the filing of the motion. Because Plaintiffs filed this motion after attempting in good faith to confer with Co-Defendant to obtain Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories and such discovery has not been provided by Co-Defendant to Plaintiffs' counsel and the court is granting Plaintiffs' motion, it is appropriate to award Plaintiffs reasonable attorneys' fees for bringing this motion. The court finds that Plaintiffs' request for attorney's fees in the amount of \$1,855.00 is reasonable and the awards fees in that amount.

Conclusion

Accordingly, the motion is GRANTED. By no later than 28 days after service of a notice of the entry of the order granting this motion, Co-Defendant shall:

(a) provide Co-Defendant's initial disclosures to Plaintiffs; (b) provide written responses to Plaintiffs' First Set of Interrogatories; and (c) produce documents responsive to Plaintiffs' First Set of Requests for Production of Documents, and specifically state in writing as to each request that Co-Defendant determines he has no responsive documents within his possession,

custody, or control. Service of the notice of entry of the order granting this motion shall be accompanied by a copy of the written discovery that is the subject of this motion. In addition, Plaintiffs are awarded \$1,855.00 in attorney's fees for bringing this motion.

Co-Defendant is cautioned that any failure to obey this order may result in sanctions, including the rendering of a default judgment against Co-Defendant upon motion by Plaintiffs pursuant to LBR 9014-1(f)(1).

3. [22-10825](#)-A-7 **IN RE: JAMIE/MARIA GARCIA**
[22-1018](#) [BBR-12](#)

MOTION TO COMPEL INITIAL DISCLOSURES, AND/OR MOTION TO COMPEL MARIA CRUZ GARCIA TO RESPOND TO WRITTEN DISCOVERY, MOTION FOR COMPENSATION BY THE LAW OFFICE OF BELDEN BLAINE RAYTIS, LLP FOR VIVIANO E. AGUILAR, PLAINTIFFS ATTORNEY(S)

5-7-2025 [\[184\]](#)

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL
VIVIANO AGUILAR/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.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the defendant to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the defendant to this motion is entered. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

Agro Labor Services, Inc. and Cal Central Harvesting, Inc. (collectively, "Plaintiffs") move pursuant to Federal Rule of Civil Procedure ("Rule") 37, made applicable to this adversary proceeding through Federal Rule of Bankruptcy Procedure Rule 7037, for an order compelling Maria Cruz Garcia ("Co-Defendant") to serve her initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories as well as awarding attorney's fees. Motion, Doc. #184. While Co-Defendant was originally represented in this adversary proceeding by counsel Phillip Gillet ("Mr. Gillet"), Co-Defendant's counsel withdrew from this adversary proceeding on May 5, 2025, and Co-Defendant now represents herself. Order, Doc. #170.

The court GRANTS Plaintiffs' motion because Plaintiffs met the certification requirements of Rule 37(a)(1) before filing this motion and Co-Defendant has failed to provide the discovery requested in the motion. Further, because the

court is GRANTING Plaintiffs' motion to compel, the court will award attorney's fees in the requested amount of \$1,330.00.

Motion to Compel Standard

Rule 37(a)(1) requires that a motion to compel discovery "include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make . . . discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1). This certification requirement was described in Shuffle Master v. Progressive Games, 170 F.R.D. 166 (D. Nev. 1996), as comprising two elements:

[T]wo components are necessary to constitute a facially valid motion to compel. First is the actual certification document. The certification must accurately and specifically convey to the court who, where, how, and when the respective parties attempted to personally resolve the discovery dispute. Second is the performance, which also has two elements. The moving party performs, according to the federal rule, by certifying that he or she has (1) in good faith (2) conferred or attempted to confer. Each of these two subcomponents must be manifested by the facts of a particular case in order for a certification to have efficacy and for the discovery motion to be considered.

Shuffle Master, 170 F.R.D. at 170 (emphasis in original).

The Shuffle Master court explained: "[A] moving party must include more than a cursory recitation that counsel have been 'unable to resolve the matter.'" Shuffle Master, 170 F.R.D. at 171. To meet the certification requirement,

counsel must set forth 'essential facts sufficient to enable the court to pass a preliminary judgment on the adequacy and sincerity of the good faith conferment between the parties. That is, a certificate must include, *inter alia*, the names of the parties who conferred or attempted to confer, the manner by which they communicated, the dispute at issue, as well as the dates, times, and results of their discussions, if any.'

In re Sanchez, No. 03-22417-D-13L, 2008 WL 4155115, at *3 (Bankr. E.D. Cal. Sept. 8, 2008) (quoting Shuffle Master, 170 F.R.D. at 171).

"[G]ood faith cannot be shown merely through the perfunctory parroting of statutory language on the certificate to secure court intervention; rather [the rule] mandates a genuine attempt to resolve the discovery dispute through non-judicial means." Shuffle Master, 170 F.R.D. at 171.

The Shuffle Master court held that Rule 37(a)(1) "requires a party to have had or attempted to have had an actual meeting or conference." Shuffle Master, 170 F.R.D. at 171. "'[C]onferring' under [Rule 37(a)(1)] must be a personal or telephonic consultation during which the parties engage in meaningful negotiations or otherwise provide legal support for their position." Id. at 172. The Shuffle Master court found that a series of facsimile letters transmitted between parties in that case did not satisfy the requirement. Id.

These principles were adopted and applied in the bankruptcy context in Sanchez, in which the bankruptcy court concluded that the motion to compel in that case, supported by a supplemental declaration that referred to and quoted several letters between parties, and referred to a single conversation with Plaintiffs' counsel, did not qualify as an "actual certification document" that "accurately and specifically convey[s] to the court who, where, how, and when the

respective parties attempted to personally resolve the discovery dispute." Sanchez, 2008 WL 4155115, at *3. Further, "it appears no attempt was made to arrange a personal or telephonic communication to meaningfully discuss the discovery disputes." Id.

The court adopts the standards set forth in Shuffle Master, and as applied in this case, finds that Plaintiffs' motion satisfies the certification requirement of Rule 37(a)(1).

Application to Plaintiffs' Motion

Plaintiffs' motion contains a certification statement in the declaration of Viviano E. Aguilar. Mr. Aguilar testifies that he has "in good faith conferred and attempted to confer with Co-Defendant in an effort to obtain Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories pursuant to Federal Rule of Civil Procedure 37(a)(1), Federal Rule of Bankruptcy Procedure 7037, and the Court's Scheduling Order (Doc. ##35, 43, 80), as demonstrated by Exhibit B-E attached hereto." Decl. of Viviano E. Aguilar, Doc. #186; Exs. B-E, Doc. #187.

Co-Defendant and Jaime Rene Garcia (together, "Initial Defendants") filed a voluntary petition under chapter 7 on May 17, 2022. Case No. 22-10825, Doc. #1. On August 19, 2022, Plaintiffs commenced adversary proceeding 22-1018 by filing their complaint for determination of dischargeability of debt pursuant to 11 U.S.C. §§ 523(a)(2)(A), (a)(3)(B), (a)(4) and (a)(6) against Initial Defendants ("First Adversary Proceeding"). Doc. #1. The Initial Defendants filed their answer on September 16, 2022. Doc. #7.

Adela Garcia filed a voluntary petition under chapter 7 along with co-debtor Rene Hernandez Garcia on June 10, 2022. Case No. 22-10982, Doc. #1. On September 19, 2022, Plaintiffs commenced adversary proceeding 22-1020 by filing their complaint for determination of dischargeability of debt pursuant to 11 U.S.C. §§ 523(a)(2)(A), (a)(3)(B), (a)(4) and (a)(6) against Adela Garcia ("Second Adversary Proceeding"). Adv. Proc. 22-1020, Doc. #1. Adela Garcia filed her answer in the Second Adversary Proceeding on January 23, 2023, and an amended answer in the Second Adversary Proceeding on January 25, 2023. Adv. Proc. 22-1020, Doc. ##20, 22.

On February 9, 2023, the Initial Defendants and Adela Garcia (collectively, "Defendants") and Plaintiffs stipulated to consolidation of the First Adversary Proceeding and the Second Adversary Proceeding as both adversary proceedings were in the preliminary stages, discovery was not yet complete, and the facts/claims were related. Doc. #42; Aguilar Decl., Doc. #186.

On December 29, 2022, Plaintiffs and Initial Defendants filed a joint discovery plan. Doc. #31; Aguilar Decl., Doc. #186. Plaintiffs served their initial disclosures on Mr. Gillet but no initial disclosures were served on Plaintiffs. Aguilar Decl., Doc. #186. An amended scheduling order was entered after consolidation of the adversary proceedings. Doc. #43; Aguilar Decl., Doc. #186. A motion to amend the scheduling order was filed and an extension of time was granted. Doc. ##46, 76.

After Defendants invoked their fifth amendment rights due to a pending criminal action regarding the same subject matter, Plaintiffs and Defendants stipulated to stay the adversary proceeding pending the resolution of the criminal case. Doc. #84; Aguilar Decl., Doc. #186. On August 29, 2024, Plaintiffs filed a status report stating that the criminal matters involving Defendants had been resolved and the stay in the consolidated adversary proceeding should be lifted. Doc. #89; Aguilar Decl., Doc. #186. On October 2, 2024, Plaintiffs

filed a motion to compel Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories but the court denied the motion finding that Plaintiffs did not meet the certification requirements of Rule 37(a)(1). Order, Doc. #133.

Plaintiffs refiled the instant motion to compel on May 7, 2025. Doc. #184. In the memorandum of points and authorities ("MPA") filed with the motion to compel, Plaintiffs' counsel contends that Plaintiffs' counsel made good faith attempts to meet and confer with Co-Defendant regarding Co-Defendant's responses to discovery. MPA, Doc. #188. To support this statement, Plaintiffs' counsel highlights that upon being informed that Mr. Gillet intended to seek permission to withdraw as counsel and requested that Plaintiffs' counsel contact Co-Defendant directly, attorney Viviano Aguilar sent a letter via overnight delivery to Co-Defendant's address on file. Aguilar Decl., Doc. #186; Ex. F, Doc. #187. In this letter, Plaintiffs' counsel asked Co-Defendant to contact Plaintiffs' counsel by January 6, 2025 to meet and confer regarding pending discovery items but did not receive a response from Co-Defendant. Aguilar Decl., Doc. #186; Ex. F, Doc. #187. On January 24, 2025, Plaintiffs' counsel sent another letter to Co-Defendant asking for Co-Defendant to contact them to discuss the pending discovery items via email and overnight delivery to Co-Defendant's address on file. Aguilar Decl., Doc. #186; Ex. G, Doc. #187. No response to the letter was received from Co-Defendant. Id. Mr. Aguilar confirmed Co-Defendant's contact information through Mr. Gillet directly as well as Mr. Gillet's multiple motions to withdraw as counsel filed. Aguilar Decl., Doc. #186.

Plaintiffs' motion to compel is granted because Plaintiffs met the certification requirements of Rule 37(a)(1) before filing this motion and Co-Defendant has not served Plaintiffs' counsel with her initial disclosures or provided responses and produced documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories.

Request for Attorney's Fees

Rule 37(a)(4) permits a moving party to recover reasonable expenses incurred in making a discovery motion, including attorney's fees, provided the court grants the motion or the discovery is provided after the filing of the motion. Because Plaintiffs filed this motion after attempting in good faith to confer with Co-Defendant to obtain Co-Defendant's initial disclosures, responses and produce documents responsive to Plaintiffs' First Set of Request for Production of Documents and Interrogatories and such discovery has not been provided by Co-Defendant to Plaintiffs' counsel and the court is granting Plaintiffs' motion, it is appropriate to award Plaintiffs reasonable attorneys' fees for bringing this motion. The court finds that Plaintiffs' request for attorney's fees in the amount of \$1,330.00 is reasonable and the awards fees in that amount.

Conclusion

Accordingly, the motion is GRANTED. By no later than 28 days after service of a notice of the entry of the order granting this motion, Co-Defendant shall: (a) provide Co-Defendant's initial disclosures to Plaintiffs; (b) provide written responses to Plaintiffs' First Set of Interrogatories; and (c) produce documents responsive to Plaintiffs' First Set of Requests for Production of Documents, and specifically state in writing as to each request that Co-Defendant determines she has no responsive documents within her possession, custody, or control. Service of the notice of entry of the order granting this motion shall be accompanied by a copy of the written discovery that is the subject of this motion. In addition, Plaintiffs are awarded \$1,330.00 in attorney's fees for bringing this motion.

Co-Defendant is cautioned that any failure to obey this order may result in sanctions, including the rendering of a default judgment against Co-Defendant upon motion by Plaintiffs pursuant to LBR 9014-1(f)(1).

4. [22-10825](#)-A-7 **IN RE: JAMIE/MARIA GARCIA**
[22-1018](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
8-19-2022 [\[1\]](#)

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL
VIVIANO AGUILAR/ATTY. FOR PL.

NO RULING.

5. [24-13025](#)-A-7 **IN RE: JESSE MAESTAS**
[24-1040](#) [CAE-1](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT
10-18-2024 [\[1\]](#)

MAESTAS V. UNITED STATES DEPARTMENT OF EDUCATION
JUDGMENT 4/30/25; CLOSED 5/19/25

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

DISPOSITION: Dropped from calendar

NO ORDER REQUIRED.

A judgment in favor of the plaintiff was entered on April 30, 2025. Doc. #38. Accordingly, this status conference is dropped from calendar.

6. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[24-1056](#) [CAE-1](#)

STATUS CONFERENCE RE: AMENDED COMPLAINT
3-13-2025 [\[34\]](#)

GRIFFIN RESOURCES, LLC V. CALIFORNIA DEPARTMENT OF
IAN QUINN/ATTY. FOR PL.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to June 4, 2026 at 11:00 a.m.

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

Because the parties have stipulated to (a) dismiss two of the three claims for relief and (b) entry of a preliminary injunction that is enforced for one year that is the subject of the third claim for relief, the court intends to continue this status conference to June 4, 2026 at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than May 28, 2026.

7. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[24-1056](#) [WJH-4](#)

CONTINUED MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR MOTION FOR
ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION
12-3-2024 [[20](#)]

GRIFFIN RESOURCES, LLC V. CALIFORNIA DEPARTMENT OF
IAN QUINN/ATTY. FOR MV.

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

DISPOSITION: Continued to July 3, 2025 at 11:00 a.m.

ORDER: The court will issue an order.

The parties have stipulated to the entry of a preliminary injunction that resolves this motion. The court will continue the hearing on the motion so an order granting the consensual preliminary injunction can be entered.

8. [24-12084](#)-A-7 **IN RE: JANETTE MAPANAO**
[24-1046](#) [CAE-1](#)

RESCHEDULED STATUS CONFERENCE RE: COMPLAINT
11-8-2024 [[1](#)]

BERRI CAPITAL GROUP, LLC V. MAPANAO
MARINA FINEMAN/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to August 7, 2025 at 11:00 a.m.

NO ORDER REQUIRED.

An order continuing the status conference to August 7, 2025 at 11:00 a.m. was entered on May 30, 2025. Doc. #46.

9. [24-12084](#)-A-7 **IN RE: JANETTE MAPANAO**
[24-1046](#) [SLL-1](#)

RESCHEDULED HEARING RE: MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE
OF REMOVAL
12-23-2024 [[14](#)]

BERRI CAPITAL GROUP, LLC V. MAPANAO
STEPHEN LABIAK/ATTY. FOR MV.

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

DISPOSITION: Continued to August 7, 2025 at 11:00 a.m.

NO ORDER REQUIRED.

An order continuing the hearing on this motion to August 7, 2025 at 11:00 a.m.
was entered on May 30, 2025. Doc. #46.

11:30 AM

1. [25-11288](#)-A-7 **IN RE: HUMBERTO LOPEZ CASTELAN AND ANGELA VARGAS**

PRO SE REAFFIRMATION AGREEMENT WITH VALLEY STRONG CREDIT UNION
5-7-2025 [[14](#)]

NO RULING.