



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

**HONORABLE RENÉ LASTRETO II
Department B – Courtroom #13
Fresno, California**

Hearing Date: Wednesday, June 28, 2023

Unless otherwise ordered, all hearings before Judge Lastreto are simultaneously: (1) **IN PERSON** in 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.

Parties in interest and members of the public may connect to ZoomGov, free of charge, using the information provided:

Video web address: <https://www.zoomgov.com/j/1600018381?pwd=NTNFQUxtRm5FdWhOOEpXTjJKM3ZoQT09>
Meeting ID: 160 001 8381
Password: 333812
ZoomGov Telephone: (669) 254-5252 (Toll-Free)

Please join at least 10 minutes before the start of your hearing. You are required to give the court 24 hours advance notice on [Court Calendar](#).

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Review the court's [Zoom Procedures and Guidelines](#) for these and additional instructions.
3. Parties appearing through CourtCall are encouraged to review the [CourtCall Appearance Information](#).

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screenshots" 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. [19-10708](#)-B-13 **IN RE: ANTONIO/MARTHA AVILES**
[MHM-1](#)

MOTION TO DISMISS CASE
5-31-2023 [\[32\]](#)

MICHAEL MEYER/MV
THOMAS GILLIS/ATTY. FOR DBT.

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

DISPOSITION: Granted as modified.

ORDER: The court will issue an order.

Chapter 13 trustee Michael H. Meyer ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(6) for unreasonable delay by the Debtors that is prejudicial to creditors and for material default with respect to a term of a confirmed plan. Doc #32. Antonio Aviles and Martha Aviles ("Debtors") did not oppose.

Unless the trustee's motion is withdrawn before the hearing, the motion will be GRANTED without oral argument for cause shown, and the case will be CONVERTED TO CHAPTER 7.

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 Debtors, 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.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v.*

Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(6) for unreasonable delay by the Debtors that is prejudicial to creditors and material default with respect to a term of a confirmed plan.

The record shows that Debtors have unreasonably delayed and materially defaulted with respect to the plan by failing to make all payments due under the plan. As of May 30, 2023, Debtors are delinquent in the amount of \$3,295.00 and an additional payment in the amount of \$1,095.00 will become due on June 25, 2023, resulting in a total delinquency of \$4,390.00 before the hearing.

Trustee has reviewed the schedules and determined that this case may have a liquidation value of \$31,577.52 after trustee compensation. This amount consists of Debtors' real property and an income tax refund that may be of benefit to the estate in a Chapter 7. Doc. #34. Therefore, conversion, rather than dismissal, best serves the interests of creditors and the estate.

Accordingly, the motion will be GRANTED AS MODIFIED, and the case CONVERTED TO CHAPTER 7.

2. [22-11114](#)-B-13 **IN RE: JONATHAN BOYKIN**
[MHM-1](#)

MOTION TO DISMISS CASE
5-31-2023 [\[30\]](#)

MICHAEL MEYER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted as modified.

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

Chapter 13 trustee Michael H. Meyer ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(6) for unreasonable delay by the debtor that is prejudicial to creditors and for material default with respect to a term of a confirmed plan. Doc. #30.

Jonathan Allen Boykin timely opposed. Doc. #34. Debtor claims that he recently changed bank account numbers and did not realize that payments were not being automatically deducted. Debtor is going to file a modified plan to bring the case current prior to the hearing on

this motion. However, Debtor did not provide any evidence in support of the opposition and no such plan has yet been filed. Debtor also failed to file a certificate of service.

This matter will be called and proceed as scheduled to inquire whether Debtor has filed a modified plan. If not, this motion may be GRANTED, and the case may be CONVERTED TO CHAPTER 7.

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

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

The record shows that Debtor has unreasonably delayed and materially defaulted with respect to the plan by failing to make all payments due under the plan. As of May 31, 2023, payments are delinquent in the amount of \$3,108.00 and an additional payment of \$888.00 will come due on June 25, 2023, resulting in a total delinquency of \$3,996.00 before the hearing.

Trustee has reviewed the schedules and determined that this case has a liquidation value of \$33,177.64 after trustee compensation if the case were to be converted to chapter 7. Doc. #32. This amount is comprised of the value of Debtor's 2017 Chevy Silverado, 1965 Ford Thunderbird, 2006 Harley, and 1996 WR45. *Id.* Therefore, conversion, rather than dismissal, best serves the interests of creditors and the estate.

This matter will be called and proceed as scheduled to inquire whether Debtor has filed a modified plan. If not, this motion may be GRANTED, and the case may be CONVERTED TO CHAPTER 7.

3. [18-13728](#)-B-13 **IN RE: CANDELARIA MUNIZ**
[MHM-3](#)

MOTION TO DISMISS CASE
5-19-2023 [[69](#)]

PETER BUNTING/ATTY. FOR DBT.

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

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

DISPOSITION: Withdrawn; taken off calendar.

NO ORDER REQUIRED.

Chapter 13 trustee Michael H. Meyer withdrew this motion on June 26, 2023. Accordingly, this matter will be dropped and taken off calendar pursuant to the withdrawal.

4. [22-11934](#)-B-13 **IN RE: JOSE HERNANDEZ**
[MHM-3](#)

CONTINUED MOTION TO DISMISS CASE
4-18-2023 [[52](#)]

MICHAEL MEYER/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted and converted to Chapter 7 or continued.

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

This motion was originally heard on May 17, 2023. Doc. #64.

Chapter 13 trustee Michael H. Meyer ("Trustee") moved to dismiss this case for cause pursuant to 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors and failure to commence making timely payments under the plan. Doc. #52. As of April 18, 2023, Debtor is delinquent \$14,400.00 under the plan, and an additional payment of \$7,200.00 became due on April 25, 2023, resulting in a total delinquency of \$21,600.00 as of the date of the May 17, 2023 hearing.

Jose Benedicto Hernandez ("Debtor") timely opposed and filed the *First Modified Plan*, which is set for hearing in matter #5 below. Doc. #56. This motion was continued to June 28, 2023 to be heard in connection with Debtor's motion to confirm plan.

The court intends to continue the plan confirmation hearing to July 26, 2023 so Debtor can file a written response to Trustee's and a secured creditor's objections.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay and failure to commence making payments under the plan. This case was filed on November 11, 2022 and, as of the date of this hearing, it has been pending for 7 months and 17 days.

Trustee has reviewed the schedules and determined that this case has a liquidation value of \$55,356.24 after trustee compensation, which is comprised of the value of Debtor's multiple vehicles. Doc. #54.

This matter will be called and proceed as scheduled to inquire whether Debtor is current under the proposed modified plan. If so, this motion will be CONTINUED to July 26, 2023 at 9:30 a.m. to be heard in connection with the motion to confirm plan. The court will consider conversion on the continued hearing date. If not, this motion may be GRANTED, and the case CONVERTED TO CHAPTER 7.

This matter will be called as scheduled to inquire about the parties' positions. Pursuant to 11 U.S.C. § 1324(b), if the case is not converted at the hearing, the court may set August 30, 2023 as a bar date by which a chapter 13 plan must be confirmed, or the case will be converted to chapter 7 on Trustee's declaration.

5. [22-11934](#)-B-13 **IN RE: JOSE HERNANDEZ**
[TCS-3](#)

MOTION TO CONFIRM PLAN
5-16-2023 [\[58\]](#)

JOSE HERNANDEZ/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to July 26, 2023 at 9:30 a.m.

ORDER: The court will issue an order.

Jose Benedicto Hernandez ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated May 16, 2023. Doc. #58.

Chapter 13 trustee Michael H. Meyer ("Trustee") timely objected to confirmation of the plan under 11 U.S.C. § 1325(a)(3) and (a)(6) because the plan has not been proposed in good faith and Debtor will not be able to make all payments under the plan. Doc. #71.

Lakeview Loan Servicing, LLC ("Creditor") timely objected to confirmation of the plan under 11 U.S.C. §§ 1322(b)(2), (b)(5), and 1325(a)(6) because the plan does not provide for cure in full of Creditor's secured claim for pre-petition arrears and the plan is not feasible. Doc. #73.

This motion to confirm plan will be CONTINUED to July 26, 2023 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's and Creditor's objections to confirmation are withdrawn, the Debtor shall file and serve a written response to the objections not later than July 12, 2023. The response shall specifically address each issue raised in Trustee's and Creditor's 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 a reply, if any, by July 19, 2023.

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 July 19, 2023. If the Debtor does not timely file a modified plan or a written response, the objections will be sustained on the grounds stated, and the motion will be denied without further hearing.

6. [20-12939](#)-B-13 **IN RE: TYLER HARGRAVE**
[SLL-2](#)

MOTION FOR COMPENSATION FOR STEPHEN LABIAK, DEBTORS
ATTORNEY(S)
5-29-2023 [\[32\]](#)

STEPHEN LABIAK/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

Stephen L. Labiak ("Applicant"), attorney for Tyler F. Hargrave ("Debtor"), requests final compensation in the sum of \$4,332.93 under 11 U.S.C. § 330. Doc. #32. This amount consists of \$4,215.00 in fees and \$117.93 in expenses from November 24, 2020 through December 31, 2023. *Id.* Applicant also requests that the fees and costs previously approved on an interim basis be approved on a final basis. *Id.*

Debtor executed a statement of consent dated May 27, 2023 indicating that Debtor has read the fee application and approves 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 September 14, 2020, confirmed November 4, 2020, indicates that Applicant was paid \$0 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. #2, #15.

This is Applicant's second and final fee application. Doc. #32. Applicant was previously awarded \$6,298.05 in compensation on January 13, 2021 for services and expenses from July 27, 2020 through November 23, 2020. Docs. ##26-27.

Applicant's firm provided 12.5 billable hours at the following rates, totaling **\$4,215.00** in fees:

Professional	Rate	Billed	Total
Stephen L. Labiak	\$350	11.70	\$4,095.00
Linda Fellner	\$150	0.80	\$120.00
Total Hours & Fees		12.50	\$4,215.00

Exs. B-C, Docs. #34, #36. Applicant also incurred **\$117.93** in expenses:

Postage	\$75.18
Reproduction	\$42.75
Total Expenses	\$117.93

Ex. D, *id.* These combined fees and expenses total **\$4,332.93**.

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: (1) checking on creditor notices, payments, and changes of address; (2) responding to Debtor's inquiry regarding conversion to chapter 7; (3) finalizing the first interim fee application (SLL-1); and (4) preparing and filing this fee application (SLL-2). 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. #32.

Accordingly, this motion will be GRANTED. Applicant shall be awarded \$4,215.00 in fees and \$117.93 in expenses on a final basis under 11 U.S.C. § 330. The chapter 13 trustee will be authorized to pay Applicant \$4,332.90 through the confirmed plan for services and expenses from November 24, 2020 through December 31, 2023.

Additionally, the court will approve on a final basis the \$6,298.05 in compensation awarded on an interim basis on January 13, 2021. The total fees paid to Applicant in this case will be \$10,630.95.

7. [23-10143](#)-B-13 **IN RE: VICTOR CORDOVA**
[WSL-1](#)

MOTION TO CONFIRM PLAN
4-26-2023 [[30](#)]

VICTOR CORDOVA/MV
GREGORY SHANFELD/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.

Victor Manuel Cordova ("Debtor") moves for an order confirming the *1st Modified Chapter 13 Plan* dated April 26, 2023. Doc. #30.

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

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

Here, the 60-month, 100%-dividend plan proposes that Debtor shall pay \$954.00 per month for months 1-2, \$1,095.00 per month for month 3, and \$1,108.00 per month for months 4-60. Doc. #32. Debtor's *Amended Schedules I & J* indicate receipt of \$1,108.72 in monthly net income, which is sufficient to fund the proposed plan payment. Doc. #36. No party opposed.

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

8. [23-10644](#)-B-13 **IN RE: JUAN PEREZ GUTIERREZ**
[MAZ-1](#)

MOTION TO CONFIRM PLAN
5-16-2023 [[18](#)]

JUAN PEREZ GUTIERREZ/MV
MARK ZIMMERMAN/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.

Juan C. Perez Gutierrez ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated May 16, 2023. Doc. #20.

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

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

Here, the 60-month, 100%-dividend plan proposes that Debtor has paid an aggregate of \$2,731.00 into the plan and starting month 2 (May 2023), Debtor will pay \$2,537.00 per month through the term of the plan. Doc. #20. Debtor's *Amended Schedules I & J* indicate receipt of \$2,537.00 in monthly net income, which is sufficient to fund the proposed plan payment. Doc. #24. No party opposed.

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

9. [19-12061](#)-B-13 **IN RE: VINCENT/DEBORAH FRASCONA**
[WLG-2](#)

MOTION TO MODIFY PLAN
5-12-2023 [\[39\]](#)

DEBORAH FRASCONA/MV
NICHOLAS WAJDA/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

Vincent Zoeth Frascona and Deborah Denise Frascona (collectively "Debtors") move for an order confirming the *Second Amended Chapter 13 Plan* dated May 12, 2023. Doc. #39.

Chapter 13 trustee Michael H. Meyer ("Trustee") timely objected. Doc. #45.

Debtors replied, agreeing to adopt Trustee's proposed changes. Doc. #47.

This matter will be called and proceed as scheduled.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the U.S. Trustee, or any other party in interest except Trustee to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest except Trustee 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).

Here, the 60-month, 100%-dividend plan proposes that Debtors shall pay \$2,289.00 per month for 1 month and \$2,310.00 per month for 59 months. Doc. #41. Additionally, Debtors shall make student loan payments to Navient CFC directly outside of the plan and shall setup a payment

plan with Navient after the bankruptcy case is over. *Id.* Debtors' original *Schedules I & J* filed on May 14, 2019 indicate receipt of \$3,072.81 in monthly net income, which is sufficient to fund the proposed plan payment. Doc. #1. However, Debtors have not filed any recent *Amended Schedules I & J* evidencing an ability to fund the plan.

In contrast to the operative *First Amended Chapter 13 Plan* dated June 26, 2019, confirmed September 12, 2019, Debtors are currently required to pay \$2,289.00 per month for 1 month and \$2,310.00 per month for 59 months. Docs. #21, #35. That plan does not contain any provisions regarding the student loan creditor.

Trustee objects to the plan under 11 U.S.C. § 1322(a) because the plan fails to provide for submission of all or such portion of future earnings or other future income to the supervision and control of the Trustee to execute the plan. Doc. #45. Trustee indicates that the plan does not fund in the remaining months, so the payment must increase to \$2,505.00 per month effective May 2023. *Id.* Additionally, Trustee notes that Navient CFC is reclassified from general unsecured to claims that will be paid directly by Debtor but the proposed plan fails to account for payments already made to Navient CFC. Therefore, Trustee says the plan should include language that Trustee has paid Navient CFC a total of \$34,372.29 and \$11,145.75 on account of Claim Nos. 19 and 18, respectively, and claims will be paid direct. *Id.*

In reply, Debtors agree to increase the monthly payments to \$2,505.00 starting May 2023 (month 48) and will make up the difference for the May payment that has already been paid. Doc. #47.

This matter will be called and proceed as scheduled. The court will inquire whether Debtors agree to include language regarding payments already made to Navient CFC. If so, Trustee's objection appears to be resolvable in the order confirming plan, and this motion may be GRANTED.

If granted, the confirmation order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

10. [23-10377](#)-B-13 **IN RE: LISA ELLIOTT**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
5-15-2023 [\[32\]](#)

CHRISTIE LEE/ATTY. FOR DBT.

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

DISPOSITION: Continued to July 26, 2023 at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Michael H. Meyer ("Trustee") objects to confirmation of the *[Second] Amended Chapter 13 Plan* filed by Lisa Elliott ("Debtor") on April 4, 2023 under 11 U.S.C. § 1325(a)(1) and (a)(9) because the plan fails to comply with all provisions of chapter 13 and other applicable provisions of title 11 and Debtor has not filed all applicable tax returns. Doc. #32. Trustee has not concluded the § 341 meeting of creditors and reserves the right to supplement this objection based on Debtor's testimony at the continued meeting. *Id.*

This objection will be CONTINUED to July 26, 2023 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the Trustee's objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the objection not later than July 12, 2023. The response shall specifically address each issue raised in Trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Trustee shall file and serve a reply, if any, by July 19, 2023.

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 July 19, 2023. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

11. [23-11281](#)-B-13 **IN RE: SARAH FLORES GARZA**
[JBC-1](#)

MOTION TO IMPOSE AUTOMATIC STAY
6-14-2023 [\[10\]](#)

SARAH FLORES GARZA/MV
JAMES CANALEZ/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

Sarah Susanne Flores Garza ("Debtor") requests an order imposing the automatic stay under 11 U.S.C. § 362(c)(4). Doc. #10.

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)(4)(A), if a debtor has two or more cases pending within the previous year that were dismissed, the automatic stay under subsection (a) will not go into effect when the latter case is filed. Debtor has two previous cases that were pending within the preceding one-year period that were dismissed: Case Nos. 22-12208-B-13 and 23-10712-B-13. The first case was filed *pro se* on December 30, 2022 and was dismissed on January 17, 2023 for failure to timely file documents. The second case was filed *pro se* on April 7, 2023 and was dismissed on June 14, 2023 for failure to timely complete credit counseling. This case was filed on June 14, 2023 and the automatic stay did not go into effect. Doc. #1.

11 U.S.C. § 362(c)(4)(B) allows the court to impose the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing within 30 days where the debtor demonstrates that the filing of the latter case is in good faith as to the creditors to be stayed.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(4)(D) 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 Debtor has more than two previous cases under chapter 13 that were pending within the preceding one-year period and Debtor failed to file or amend the petition or other documents. § 362(c)(4)(D)(i)(I), (c)(4)(D)(i)(II).

Debtor declares that the first two cases were filed *pro se* as emergency petitions and Debtor did not have the knowledge to timely file schedules and a plan or to timely complete and obtain a credit counseling certificate prior to filing. Doc. #12. Now, Debtor is represented by counsel, completed credit counseling on May 1, 2023, and filed this case with all schedules, forms, and a plan. *Id.* Debtor declares the case has been filed in good faith for the purpose of paying of mortgage arrears for her home. *Id.* Debtor's plan proposes to pay a 100% dividend to unsecured creditors by making monthly payments of \$3,902.00 for months 1-30, and \$3,101.00 for months 31 to 60. Doc. #2. Debtor's *Schedules I & J* indicate receipt of \$4,091.34 in monthly net income, which is sufficient to fund the proposed payment.

The reason Debtor's previous cases were dismissed were because she filed those cases without the assistance of counsel. Debtor's personal affairs have substantially changed in that now she is represented by counsel and remedied the defects in her previous two filings.

Based on the moving papers and the record, the presumption appears to have been rebutted by clear and convincing evidence because Debtors' financial condition and circumstances have materially changed. Debtors' 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).

12. [18-11987](#)-B-13 **IN RE: HECTOR CHAVEZ**
[PK-6](#)

MOTION FOR COMPENSATION FOR PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
5-19-2023 [\[99\]](#)

PATRICK KAVANAGH/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.

Patrick Kavanagh ("Applicant"), attorney for Hector Manuel Chavez ("Debtor"), requests final compensation in the sum of \$2,500.00 under 11 U.S.C. § 330. Doc. #99. This amount is solely for fees for services rendered from January 21, 2020 through case closing. *Id.* Applicant also requests that the fees and costs previously approved on an interim basis be approved on a final basis. *Id.*

Debtor executed a statement of consent on May 29, 2023 indicating that Debtor has read the fee application and approves the same. Doc. #103.

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 *Corrected First Modified Chapter 13 Plan* dated January 6, 2021, confirmed April 8, 2021, indicates that Applicant was paid \$2,500.00 prior to filing the case and, subject to court approval, additional fees of \$6,670.00 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. #79, #93.

This is Applicant's second and final fee application. Doc. #99. Applicant was previously awarded \$1,000.00 in fees on May 18, 2020 for services rendered on January 19-20, 2020. Doc. #63. Applicant's firm provided 22.60 billable hours at a rate of \$300.00 per hour, totaling \$6,180.00 in fees. Doc. #99; *Exs. B*, Doc. #101. However, Applicant has agreed to waive all fees in excess of \$2,500.00. *Id.* Applicant did not incur any expenses, so the total amount requested in this application is \$2,500.00.

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: (1) preparing, filing, and confirming a modified plan (PK-5); (2) responding to inquiries from potential employers regarding the status of the bankruptcy; and (3) preparing and filing this fee application (PK-6). The court finds these services reasonable. No party in interest timely filed written opposition and Debtor has consented to payment of the proposed fees. Doc. #103.

Accordingly, this motion will be GRANTED. Applicant shall be awarded \$2,500.00 in fees on a final basis under 11 U.S.C. § 330. The chapter 13 trustee will be authorized to pay Applicant \$2,500.00 through the confirmed plan for services and expenses from January 21, 2020 through case closing.

Additionally, the court will approve on a final basis the \$2,500.00 in pre-filing fees and the \$1,000 in fees awarded on an interim, *ex parte* basis on May 18, 2020. The total fees paid to Applicant in this case will be \$6,000.00.

13. [22-11792](#)-B-13 **IN RE: JOSEPH/SEPTEMBER MIDDLETON**
[DMG-2](#)

MOTION FOR COMPENSATION FOR D. MAX GARDNER, DEBTORS
ATTORNEY(S)
6-5-2023 [\[39\]](#)

D. GARDNER/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.

D. Max Gardner ("Applicant"), attorney for Joseph William Middleton and September Anna Lucille Middleton (collectively "Debtors"), requests compensation in the sum of \$5,083.30 under 11 U.S.C. § 331, subject to final review pursuant to § 330. Doc. #39. This amount consists of \$5,063.50 in fees and \$19.80 in expenses from October 20, 2022 through June 5, 2023. *Id.*

Debtors filed a response on June 20, 2023 indicating that they have reviewed the fee application and have no opposition to the fee application. Doc. #44.

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 Fed. R. Bankr. P. 2002(a)(6) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Section 3.05 of the *First Amended Chapter 13 Plan* dated January 4, 2023, confirmed February 13, 2023, indicates that Applicant was paid \$2,000.00 prior to filing the case and, subject to court approval, additional fees of \$6,000.00 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. #27, #34. Applicant also received \$310.00 for payment of the filing fee, which was paid. Ex. A, Doc. #42.

This is Applicant's first interim fee application. Applicant's firm provided 22.30 billable hours of legal services at the following rates, totaling \$7,063.50 in fees:

Professional	Rate	Billed	Total
D. Max Gardner	\$400	14.40	\$5,760.00
Jenifer Gardner	\$165	7.90	\$1,303.50
Total Hours & Fees		22.30	\$7,063.50
(-) Pre-petition payment			\$2,000.00
Total Fees Requested			\$5,063.50

Ex. A, Docs. ##41-42. After applying the \$2,000.00 pre-petition payment, Applicant requests **\$5,063.50** in fees through the chapter 13 plan. Doc. #39. Applicant also requests **\$19.80** in postage expenses. Ex. A, Doc. #42. These combined requested fees and expenses total **\$5,083.30**.

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: (1) counseling Debtors through the chapter 13 process; (2) preparing, filing, and confirming a modified plan (DMG-1); (3) complying with all of the requirements of the chapter 13 trustee and 11 U.S.C. § 521; and (4) preparing and filing this fee application (DMG-2). The court is inclined to find these fees and expenses reasonable, actual, and necessary. Debtor has consented to payment of the proposed fees. Doc. #44.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court is inclined to GRANT this motion. Applicant will be awarded \$5,063.50 in fees and \$19.80 in expenses on an interim basis under 11 U.S.C. § 331, subject to final review under § 330. The chapter 13 trustee will be authorized to pay Applicant \$5,083.30 through the confirmed chapter 13 plan for fees and expenses from October 20, 2022 through June 5, 2023.

14. [23-10099](#)-B-13 **IN RE: ANGELA MCPHETRIDGE**
[CJK-2](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LAKEVIEW LOAN
SERVICING, LLC
5-12-2023 [\[58\]](#)

LAKEVIEW LOAN SERVICING, LLC/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
CHRISTINA KHIL/ATTY. FOR MV.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

This objection was originally heard on May 31, 2023. Doc. #66.

Lakeview Loan Servicing, LLC ("Creditor") objected to confirmation of the *Second Modified Chapter 13 Plan* filed by Angela A. McPhentridge ("Debtor") on April 21, 2023 under 11 § 1325(a)(3) because the plan was not proposed in good faith. Doc. #58. This objection was construed as an opposition to Debtor's motion to confirm plan in matter #9 below. MAZ-2.

The court continued this objection to June 28, 2023. Debtor was directed to file and serve a written response to the objection not later than June 14, 2023, or file a confirmable, modified plan in lieu of a response not later than June 21, 2023, or the objection would be sustained on the grounds stated in the objection without further hearing. Docs. #66, #68.

Debtor neither filed a written response nor a modified plan. Therefore, Creditor's objection will be SUSTAINED on the grounds stated in the objection.

15. [23-10099](#)-B-13 **IN RE: ANGELA MCPHETRIDGE**
[MAZ-2](#)

CONTINUED MOTION TO CONFIRM PLAN
4-21-2023 [\[38\]](#)

ANGELA MCPHETRIDGE/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion was originally heard on May 31, 2023. Doc. #67.

Angela A. McPhetridge ("Debtor") moved for an order confirming the *Second Modified Chapter 13 Plan* dated April 21, 2023. Doc. #1.

Michael H. Meyer ("Trustee") timely objected under 11 U.S.C. §§ 1322(a) and 1325(a)(6) because the plan fails to provide for submission of all or such portion of future earnings or other income to the supervision and control of the Trustee as is necessary for execution of the plan and the debtor will not be able to make all payments under the plan and comply with the plan. Doc. #53.

In matter #8 above, Lakeview Loan Servicing, Inc. ("Creditor") filed a stand alone objection to confirmation to plan, which was be construed as opposition this motion. CJK-2. Creditor objected under 11 § 1325(a)(3) because the plan was not proposed in good faith.

The court continued this motion to June 28, 2023. Debtor was directed to file and serve a written response to Trustee's and Creditor's objections not later than June 14, 2023, or file a confirmable, modified plan in lieu of a response not later than June 21, 2023, or the objections would be sustained and the motion denied on the grounds stated in the objections without further hearing. Docs. #67, #69.

Debtor neither filed a written response to the objections nor a modified plan. Therefore, Trustee's and Creditor's objections will be SUSTAINED on the grounds stated in the objections, and this motion will be DENIED WITHOUT PREJUDICE.

11:00 AM

1. [19-15103](#)-B-7 **IN RE: NATHAN/AMY PERRY**
[20-1017](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
3-15-2020 [[1](#)]

RICHNER ET AL V. PERRY
RICHARD FREEMAN/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

This status conference will be called and proceed as scheduled. The court will inquire about the plaintiffs' status report with proposed schedule that was due not later than June 21, 2023. Doc. #89.

2. [20-10809](#)-B-11 **IN RE: STEPHEN SLOAN**
[21-1039](#)

MOTION TO COMPEL
5-31-2023 [[73](#)]

SANDTON CREDIT SOLUTIONS MASTER FUND IV, LP V. SLOAN ET AL
KURT VOTE/ATTY. FOR MV.

NO RULING.

3. [22-11127](#)-B-7 **IN RE: SCOTT FINSTEIN**
[22-1017](#) [CAE-1](#)

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

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURG V. FINSTEIN
KAREL ROCHA/ATTY. FOR PL.

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

DISPOSITION: Continued to July 12, 2023 at 11:00 a.m.

ORDER: The court will issue an order.

The court is in receipt of the plaintiff's *Unilateral Status Report* dated June 23, 2023. Doc. #70.

This status conference will be CONTINUED to July 12, 2023 at 11:00 a.m. to be heard in connection with the plaintiff's motion for entry of default judgment. KR-3.

4. [21-12873](#)-B-7 **IN RE: CESAR PENA BARRAZA AND OLGA PENA LOPEZ**
[23-1006](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
1-25-2023 [[1](#)]

EDMONDS V. PENA BARRAZA ET AL
ANTHONY JOHNSTON/ATTY. FOR PL.

NO RULING.

This status conference will be called and proceed as scheduled. The court will inquire about the plaintiff's status report that was due not later than June 21, 2023. Doc. #23.

5. [22-10974](#)-B-7 **IN RE: FRANCISCO SAMANIEGO**
[23-1019](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
2-24-2023 [[1](#)]

FEAR V. MEZA
GABRIEL WADDELL/ATTY. FOR PL.

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

DISPOSITION: Continued to July 12, 2023 at 11:00 a.m.

ORDER: The court will issue an order.

This status conference will be CONTINUED to July 12, 2023 at 11:00 a.m. to be heard in connection with the plaintiff's motion for entry of default judgment. FW-1.

11:30 AM

1. [23-11332](#)-B-11 **IN RE: TWILIGHT HAVEN, A CALIFORNIA NON-PROFIT CORPORATION**
[WJH-2](#)

MOTION TO USE CASH COLLATERAL
6-23-2023 [[18](#)]

TWILIGHT HAVEN, A CALIFORNIA NON-PROFIT CORPORATION/MV
RILEY WALTER/ATTY. FOR DBT.
OST 6/23/23

NO RULING.

2. [23-11332](#)-B-11 **IN RE: TWILIGHT HAVEN, A CALIFORNIA NON-PROFIT CORPORATION**
[WJH-3](#)

MOTION FOR ORDER AUTHORIZING MAINTENANCE OF EXISTING BANK ACCOUNT
6-23-2023 [[24](#)]

TWILIGHT HAVEN, A CALIFORNIA NON-PROFIT CORPORATION/MV
RILEY WALTER/ATTY. FOR DBT.
OST 6/23/23

NO RULING.

3. [23-11332](#)-B-11 **IN RE: TWILIGHT HAVEN, A CALIFORNIA NON-PROFIT CORPORATION**
[WJH-4](#)

MOTION TO PAY AND/OR MOTION AUTHORIZING AND DIRECTING THE
APPLICABLE BANK TO PAY ALL RELATED CHECKS AND ELECTRONIC
PAYMENTS REQUESTS MADE BY THE DEBTOR RELATING TO THE
FOREGOING.
6-23-2023 [[29](#)]

TWILIGHT HAVEN, A CALIFORNIA NON-PROFIT CORPORATION/MV
RILEY WALTER/ATTY. FOR DBT.
OST 6/23/23

NO RULING.

4. [23-11332](#)-B-11 **IN RE: TWILIGHT HAVEN, A CALIFORNIA NON-PROFIT CORPORATION**
[WJH-5](#)

MOTION FOR ORDER LIMITING SCOPE OF NOTICE FOR CHAPTER 11 CASE
6-23-2023 [[35](#)]

TWILIGHT HAVEN, A CALIFORNIA NON-PROFIT CORPORATION/MV
RILEY WALTER/ATTY. FOR DBT.
OST 6/23/23

NO RULING.