UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, July 2, 2026
Department A – Courtroom #11
Fresno, California

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

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

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

Please also note the following:

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

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

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

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

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

9:30 AM

1. 26-12608-A-13 **IN RE: DUSTIN PASNICK**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
6-15-2026 [11]

DISMISSED 6/24/26

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

An order dismissing the case was entered on June 24, 2026. Doc. #15. The order to show cause will be dropped as moot. No appearance is necessary.

2. 26-11211-A-13 **IN RE: SCOTT NULL**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
5-11-2026 [12]

STEVEN ALPERT/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to plan on June 22, 2026. Doc. #23.

3. 26-11522-A-13 **IN RE: THEONNA HILL**

MOTION TO CONFIRM PLAN
6-12-2026 [26]

THEONNA HILL/MV
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The motion does not comply with Local Rule of Practice ("LBR") 3015-1(d)(1), which requires that a motion to confirm a modified plan must be served on parties in interest at least thirty-five (35) days prior to the hearing. Here, the motion was served on June 12, 2026 with a hearing date of July 2, 2026.

As a further 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 notice of hearing also does not comply with LBR 9014-1(d)(3)(B)(iii), which requires the notice to advise respondents that they can determine whether the matter has been resolved without oral argument or whether the court has issued a tentative ruling by viewing the court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing, and that parties appearing telephonically must view the pre-hearing dispositions prior to the hearing.

As a further procedural matter, no declaration of the debtor in support of the motion to confirm was filed and served with the motion. The party moving to confirm a chapter 13 plan bears the burden of proof to show facts supporting the proposed plan. Max Recovery v. Than (In re Than), 215 B.R. 430, 434 (B.A.P. 9th Cir. 1997). In addition, LBR 9014-1(d)(3)(D) requires in relevant part that "[e]very motion or other request for relief shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested." Here, no evidence was filed or served with the motion to confirm the debtor's plan, so the debtor did not meet her required burden of proof or comply with this court's Local Rules of Practice.

As a further procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6). Here, the motion and supporting papers do not include a Docket Control Number.

Even though the debtor is representing herself in this bankruptcy case, the debtor is still required to comply with procedural requirements. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), overruled on other grounds, Lacey v. Maricopa Cty., 693 F.3d 896 (9th Cir. 2012) ("Pro se litigants must follow the same rules of procedure that govern other litigants."). The court encourages the debtor 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.

In addition to the procedural matters that need to be addressed, in a future plan and motion to confirm, the debtor also may want to address the additional objections to confirmation set forth in the opposition filed by the chapter 13 trustee to this motion to confirm. See Doc. #29.

4. 26-11333-A-13 **IN RE: SAMINEH AMIRSHAHI**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
5-11-2026 [39]

DISMISSED 6/11/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on June 11, 2026. Doc. #62. Therefore, this motion will be OVERRULED AS MOOT.

5. 26-11333-A-13 **IN RE: SAMINEH AMIRSHAHI**
MB-4

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY JIM MALKASIAN AND MARK MALKASIAN
5-11-2026 [46]

MARK MALKASIAN/MV
HAGOP BEDOYAN/ATTY. FOR MV.
DISMISSED 6/11/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on June 11, 2026. Doc. #62. Therefore, this motion will be OVERRULED AS MOOT.

6. 26-10137-A-13 **IN RE: BRAYAN MARQUEZ**
LGT-2

MOTION TO DISMISS CASE
6-3-2026 [34]

LILIAN TSANG/MV
MATTHEW GRECH/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

7. 26-11041-A-13 **IN RE: MATTHEW MORALEZ**
LGT-2

MOTION TO DISMISS CASE
5-27-2026 [24]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part; the case will be converted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtor or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered. Because the court will convert rather than dismiss this case, this matter will proceed as scheduled.

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. #24. 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) accurately file schedules and/or statements; and (3) commence making payments due under the plan. As of May 27, 2026, plan payments are delinquent in the amount of $9,310.00. While this motion is pending, further plan payments will come due. In addition to the delinquency amount, the debtor also must make the monthly plan payment of $4,655.00 for June 25, 2026. Doc. #24. The debtor did not oppose, although the debtor did appear at the continued § 341 meeting of creditors and that meeting was concluded. See court docket entry on June 4, 2026.

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

A review of the debtor's Schedules A/B, C and D shows there is a liquidation amount of $5,784.00, after Trustee compensation. Doc. #9; Decl. of Lindsey Nelson, Doc. #26. This liquidation amount is comprised of the non-exempt equity in the debtor's 2018 Jeep Sahara. Doc. #9. The aggregate amount of general unsecured claims filed in this bankruptcy case exceeds $19,500.00. See Claims 2, 4, 6, 7 and 9. Because there is non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that conversion, rather than dismissal, is in the best interests of creditors and the estate.

Accordingly, the motion will be GRANTED IN PART, and the case converted. The court will issue an order.

8. 25-10254-A-13 **IN RE: LUIS RODRIGUEZ**
AVN-1

MOTION TO REFINANCE
6-12-2026 [30]

LUIS RODRIGUEZ/MV
ANH NGUYEN/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

Local Rule of Practice ("LBR") 9014-1(f)(2) allows a moving party to file and serve a motion on at least 14 days' notice "unless additional notice is required by the Federal Rules of Bankruptcy Procedure." For a motion to refinance a mortgage, Federal Rule of Bankruptcy Procedure 2002(a) requires at least 21 days' notice by mail of "a proposal to use, sell, or lease property of the estate other than in the ordinary course of business[.]" Fed. R. Bankr. P. 2002(a)(3). Here, the amended notice of hearing was served by mail on June 12, 2026, with a hearing date set for July 2, 2026, which is less than the 21 days' notice required for a motion to refinance.

9. 26-10462-A-13 **IN RE: SANTIAGO RAMIREZ BETERAN AND NORMA BETERAN**
JRN-4

MOTION TO CONFIRM PLAN
5-28-2026 [72]

NORMA BETERAN/MV
JOAQUIN NOLET/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 objection to plan on June 24, 2026. Doc. #78. If this motion had not been withdrawn, this matter would have been DENIED WITHOUT PREJUDICE for improper notice and other procedural issues.

As a procedural matter, the debtors failed to file and serve a declaration of debtors in support of the motion when the motion was filed and served. The party moving to confirm a chapter 13 plan bears the burden of proof to show facts supporting the proposed plan. Max Recovery v. Than (In re Than), 215 B.R. 430, 434 (B.A.P. 9th Cir. 1997). In addition, Local Rule of Practice ("LBR") 9014-1(d)(3)(D) requires in relevant part that "[e]very motion or other request for relief shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested." Here, no evidence was filed or served with the motion to confirm debtors' plan, so debtors did not meet their required burden of proof or comply with this court's Local Rules of Practice.

As a further procedural matter, the certificate of service that was filed with this motion to confirm does not list the Chapter 13 Plan as a document that was served on interested parties. See Section 4, Doc. #75. LBR 3015-1(d)(1) requires the debtors to serve the plan under consideration with a motion to confirm. The purpose of the rule requiring service of the plan with a motion to confirm is to assure adequate notice of the plan terms upon all interested parties. If a copy of the plan is not served with the motion to confirm, notice is not properly accomplished.

As a further 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.

10. 26-11276-A-13 **IN RE: ROBERT HEARD**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-6-2026 [13]

LILIAN TSANG/MV
NEIL SCHWARTZ/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 amended plan on June 24, 2026 (NES-1, Doc. #36), with a motion to confirm the modified plan set for hearing on July 30, 2026 at 9:30 a.m. Doc. ##32-37.

11. 26-11276-A-13 **IN RE: ROBERT HEARD**
LGT-2

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
5-26-2026 [16]

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

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to debtor's claim of exemptions on June 8, 2026. Doc. #28.

12. 23-24379-A-13 **IN RE: GRACE LEE**
DPC-2

CONTINUED MOTION TO DISMISS CASE
4-17-2026 [77]

DAVID CUSICK/MV
GERALD GLAZER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

11:00 AM

1. 24-12027-A-7 **IN RE: JESUS DOMINE GARCIA AND INDALECIA MALDONADO**
26-1006 FW-1

MOTION FOR ENTRY OF DEFAULT JUDGMENT
6-1-2026 [23]

EDMONDS V. MALDONADO ET AL
PETER SAUER/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part and denied in part.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). One of the defendants, Leslie Maldonado ("Leslie")[1], filed written opposition on June 8, 2026. Doc. #27. Although there is no certificate of service showing that the opposition was served on counsel for the plaintiff, the court's records show that on June 8, 2026, counsel for the plaintiff received electronic notification of the filing of the opposition. The plaintiff has not responded to the opposition filed by Leslie. The other defendant, Angela Maldonado ("Angela" and together with Leslie, "Defendants") has not responded to the motion. The failure of Angela to file written opposition at least 14 days prior to the hearing date 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 default of Angela with respect to this motion is entered. This matter will proceed as scheduled.

Irma Edmonds ("Plaintiff"), the chapter 7 trustee, moves for entry of default judgment against Defendants to avoid the fraudulent transfer of real property located at 2103 Floral Avenue, Selma, California 93662 ("Property") and recover the Property from Defendants. Doc. #23.

RELEVANT FACTS

Plaintiff commenced this adversary proceeding on February 10, 2026 by filing a complaint ("Complaint"). Doc. #1. By the Complaint, Plaintiff seeks to avoid the fraudulent transfer of the Property from joint debtor Indalecia Maldonado ("Joint Debtor") to Defendants and recover the Property for the benefit of the bankruptcy estate. Doc. #1.

According to the Complaint, debtor Jesus Manuel Domine Garcia and Joint Debtor (together, "Debtors") filed a voluntary chapter 7 bankruptcy petition on July 22, 2024. Case No. 24-12027, Doc. #1. Pre-petition, Joint Debtor acquired ownership of the Property individually as a "single woman". Id. On September 20, 2016, Joint Debtor transferred her interest to the Property to herself and Angela as tenants in common with rights of survivorship

[1] No disrespect is intended by defining the two defendants using their first names. The court identifies the co-defendants by their first names to avoid confusion because they share the same surname.

("2016 Transfer"). Id. Joint Debtor did not receive any consideration for the 2016 Transfer to Angela. Id.

On June 30, 2022, Joint Debtor and Angela transferred the Property to Leslie ("2022 Transfer"). Doc. #1. Plaintiff believes that Joint Debtor and Angela had significant equity in the Property at the time of the 2022 Transfer and estimates the Property value to be worth $305,000.00 at that time. Id.

In the bankruptcy case, Debtors listed the 2022 Transfer in their original statement of financial affairs and identified the 2022 Transfer as a species of fraud, claimed exemptions in the Property in Schedule C, and identified their claim for real estate fraud in Schedule A/B. Case No. 24-12027, Doc. ##1, 18. Schedules A/B and C estimated the total value of the claim for real estate fraud related to the Property to be $339,300.00. Case No. 24-12027, Doc. #1. Schedule D listed one lien encumbering the Property in the amount of $110,827.00. Id.

Plaintiff filed this adversary proceeding on February 10, 2026. Doc. #1. On February 11, 2026, a summons was issued. Doc. #3. Defendants were served with the summons and Complaint on February 18, 2026. Doc. #7. Defendants failed to respond to the Complaint. On April 16, 2026, Plaintiff filed a request for entry of default as to Angela. Doc. #11. On May 5, 2026, Plaintiff filed a request for entry of default as to Leslie. Doc. #13. On May 8, 2026, the United States Bankruptcy Court Clerk entered the default of Defendants. Doc. ##16, 17.

Plaintiff moves for default judgment against Defendants to avoid the transfer of the Property as a fraudulent transfer and return the Property to the bankruptcy estate. Doc. #23. Plaintiff states Angela called counsel for Plaintiff on April 20, 2026, and stated her intention to permit default judgment to be entered against her. Decl. of Peter Sauer, Doc. #25. Angela has not responded to this motion. Plaintiff states Leslie called the office of counsel for Plaintiff on April 28, 2026, and left a message stating Leslie had received notice of the adversary proceeding and asked how long Leslie had to vacate the Property, although there was no further communication after this initial message despite subsequent attempts to reach Leslie. Id. On June 8, 2026, Leslie filed a written response to this motion. Doc. #27.

APPLICABLE LAW

Federal Rule of Civil Procedure 55, made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7055, "gives the court considerable leeway as to what it may require as a prerequisite to the entry of a default judgment." Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). "The general rule of law is that upon default the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true." Geddes v. United Fin. Grp., 559 F.2d 557, 560 (9th Cir. 1977). Factors which may be considered by the court in exercising discretion as to the entry of default judgment include: (1) the possibility of prejudice to the plaintiff; (2) the merits of the plaintiff's substantive claim; (3) the sufficiency of the complaint; (4) the sum of money at stake in the action; (5) the possibility of a dispute concerning material facts; (6) whether the default was due to excusable neglect; and (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits. Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

"Under [11 U.S.C.] § 544(b), a chapter 7 trustee may exercise the avoiding powers conferred upon creditors by California's version of the Uniform Fraudulent Transfer Act, Cal. Civ. Code § 3439, et seq., to the same extent those powers could have been exercised by a creditor holding an allowable unsecured claim against the debtor's bankruptcy estate." Ezra v. Seror (In re

Ezra), 537 B.R. 924, 930 (B.A.P. 9th Cir. 2015) (citations omitted). As relevant to this motion, California Civil Code § 3439.04 provides that a transfer is fraudulent as to a creditor regardless of when the creditor's claim arose if the debtor made the transfer with the actual intent to hinder, delay, or defraud any creditor and without receiving a reasonably equivalent value in exchange. California Civil Code § 3439.05 provides that a transfer during or resulting in insolvency constitutes a fraudulent transfer if the transfer was for less than reasonably equivalent value.

LEGAL ANALYSIS

Plaintiff asserts that Joint Debtor's transfer of her interest in the Property pursuant to the 2016 Transfer and the 2022 Transfer were constructively fraudulent and therefore avoidable. To the extent the conveyance of the Property from Joint Debtor is avoided, Plaintiff believes the value of the Property should be preserved for the benefit of the estate. As of the filing of this motion, neither Angela nor Leslie had answered the allegations set forth in the Complaint and both were put into default.

As for Angela, it appears that Angela accepts the entry of default judgment against her. Doc. #23; Sauer Decl., Doc. #25. Therefore, Plaintiff is entitled to a judgment determining that the transfer of the Property from Joint Debtor to Angela is avoided as a fraudulent transfer. The merits of Plaintiff's claim, the sufficiency of the Complaint, and the lack of the possibility of disputes concerning material facts favor entering default judgment against Angela. The court finds that entry of default judgment is appropriate in this case against Angela.

As for Leslie, Leslie filed a response on June 8, 2026, asserting that the reason for her non-response to the Complaint is ignorance because she did not know when or where to file a response after she received the Complaint. Doc. #27. Leslie states that she sought counsel to assist her in this matter but the bankruptcy attorneys she met with either stated they only assist in filing bankruptcies or that this Complaint was not in their area of law. Id. Leslie was finally able to get answers when she contacted the court directly but at that point Leslie's response to the Complaint was late. Id. Leslie asks the court to consider her late response. Id.

Leslie specifically opposes the Complaint on the grounds that Joint Debtor did receive compensation for the transfer of the Property to Leslie. Doc. #27. Leslie further states that Leslie has taken sole financial responsibility for the Property. Id. Further, it appears that Leslie still inhabits the home where Angela does not. Id.

The court finds that Leslie has asserted grounds upon which, if there was a proper motion, the court could determine that the entry of default as to Leslie was due to excusable neglect. Further, it appears that there is a dispute concerning material facts rendering the entry of default judgment against Leslie not to be appropriate at this time. The court notes that by denying this motion as to Leslie, the court is not saying the transfer of the Property to Leslie is not subject to avoidance, but that there is a dispute concerning material facts that precludes the granting of a default judgment against Leslie at this time.

CONCULSION

For the foregoing reasons, the motion is GRANTED IN PART and DENIED IN PART. The court grants entry of default judgment against Angela Maldonado. Judgment shall be entered avoiding the pre-petition transfer by Joint Debtor to Angela Maldonado. The court denies entry of default judgment against Leslie Maldonado.

2. 23-12161-A-7 **IN RE: RANDY BRAVO**
25-1029 RB-1

MOTION TO COMPEL AND/OR MOTION TO MODIFY SCHEDULING ORDER FOR LIMITED DISCOVERY RELIEF
6-1-2026 [60]

BRAVO V. UNITED STATES DEPARTMENT OF EDUCATION
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date as required by Local Rule of Practice 9014-1(f)(1). The defendant timely filed written opposition on June 17, 2026. Doc. #68. The plaintiff has not responded to the opposition filed by the defendant. This matter will proceed as scheduled.

Randy Bravo ("Plaintiff"), moves pursuant to Federal Rule of Civil Procedure ("Rule") 37, made applicable to this adversary proceeding through Federal Rule of Bankruptcy Procedure Rule ("Bankruptcy Rule") 7037, for an order compelling United States Department of Education ("Defendant"), to: (1) serve further verified responses to Plaintiff's first set of interrogatories; (2) further identify responsive documents and disclose whether any responsive material is being withheld; (3) produce or certify the non-existence or non-possession of complete transaction histories, balance calculations, capitalization and fee records, native/export data, and code legends/data dictionaries; (4) produce or identify complete TOP referral, certification, notice, Treasury-communication, mailing-proof, returned-mail, and address-verification records; (5) serve corrected verified answers; and (6) provide an adequate privilege log or categorical log. Mot., Doc. #60. Alternatively, Plaintiff moves the court to modify the scheduling order in this adversary proceeding pursuant to Rule 16(b), made applicable to this adversary proceeding by Bankruptcy Rule 7016, to provide Plaintiff with additional time to meet and confer or file supplemental discovery motions. Id. Defendant opposes the motion and contends Plaintiff has not shown good cause for the relief requested. Doc. #68.

The scheduling order in this adversary proceeding ("Scheduling Order") was entered on March 26, 2026, and established the close of discovery on May 29, 2026. Scheduling Order, Doc. #55. The Scheduling Order further stated that all motions seeking to modify the Scheduling Order "will be considered upon a showing of good cause and, if the request for modification is occasioned by the need for additional time to complete discovery, due diligence." Scheduling Order, p.7, Doc. #55. Plaintiff filed this motion on June 1, 2026. Doc. #60.

After considering the motion, supporting pleadings and Defendant's opposition, the court DENIES Plaintiff's motion because Plaintiff did not meet the certification requirements of Rule 37(a)(1), did not provide substantive evidence that Plaintiff attempted to meet and confer with Defendant, did not provide a sufficient explanation as to why the discovery requested is necessary, and failed to show good cause for extending the discovery deadline. Because the court is DENYING Plaintiff's motion, the court will not award the requested fees.

MOTION TO COMPEL

I. 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 Plaintiff's 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 Plaintiff's motion does not satisfy the certification requirement of Rule 37(a)(1).

II. Application to Plaintiff's Motion

Plaintiff's motion states that Plaintiff served written discovery on March 16, 2026, and Defendant served written responses on April 14, 2026. Doc. #60; Decl. of Randy Bravo, Doc. #62. Plaintiff had issues accessing Defendant's responses after a certain period because the link to Defendant's responses would only remain active for 24 hours. Id. Plaintiff reached out to Defendant about the access issues but, despite Defendant re-sending the registration link to its responses, the access issue persisted. Id. On May 29, 2026, the day of the fact-discovery deadline, Defendant offered to send an encrypted USB to Plaintiff but refused any extension of the fact-discovery deadline. Id. Plaintiff made further efforts to obtain access through Defendant's registration link, was able to finally access the responses to review, and served a written meet-and-confer letter the same day. Id. Defendant responded to the meet-and-confer letter stating that Plaintiff's requests were untimely and, among other things, unreasonable. Id.; Doc. #68.

First, there is no certification statement in the moving papers that Plaintiff 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). Therefore, the court finds that Plaintiff has not met the certification requirement of Rule 37(a)(1).

Even if the certification requirement was met, Plaintiff has failed to provide facts that demonstrate a good faith effort was made to attempt to meet and confer with Defendant. While Plaintiff did send a handful of emails to Defendant regarding the access issues to the discovery responses, this correspondence is separate from the efforts made to attempt to meet and confer. The only evidence of attempts to meet and confer is the letter that was sent on May 29, 2026 to Defendant, which was the same day as the fact-discovery deadline. However, before this letter, it appears Plaintiff made no attempt to arrange a personal or telephonic communication to meaningfully discuss the discovery disputes. Shuffle Master, 170 F.R.D. at 172. The court is unwilling to find that the Rule 37(a)(1) meet and confer requirement was satisfied when Plaintiff sent one letter.

Further, based on the communication filed with the motion, the court cannot determine that, prior to filing this motion to compel, Plaintiff, as the moving party in pro se, "personally engage[d] in two-way communication with the nonresponding party to meaningfully discuss each contested discovery dispute in a genuine effort to avoid judicial intervention." Shuffle Master, 170 F.R.D. at 171. There is nothing in Plaintiff's declaration to indicate that Plaintiff, prior to filing this motion, reached out to Defendant to comply with the meet and confer requirement of Rule 37. Stating that Plaintiff was unable to review Defendant's responses to determine what motion needed to be filed or to request a meet and confer until the final day of the discovery deadline is not sufficient to satisfy the meet and confer requirement of Rule 37(a)(1).

Finally, even if Plaintiff complied with the requirement of Rule 37(a)(1), the court finds that Defendant's responses to discovery are sufficient. It does not appear that the requests that are the basis for Plaintiff's motion to compel are relevant to prove the underlying issues in the complaint. Further, Plaintiff's request for production of documents seems excessive and, based on

Plaintiff’s declaration, Plaintiff has not shown why any of the documents requested are necessary.

Plaintiff’s motion to compel is denied because Plaintiff did not meet the certification requirements of Rule 37(a)(1) before filing this motion, did not provide substantive evidence that Plaintiff attempted to meet and confer with Defendant, and did not provide a sufficient explanation as to why the discovery requested is necessary.

MODIFY SCHEDULING ORDER

Rule 16(b) requires the judge to issue a scheduling order that, once issued, “may be modified only for good cause and with the judge’s consent.” Rule 16(b)(4). “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party seeking the amendment. The [bankruptcy] court may modify the pretrial schedule ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” Johnson v. Mammoth Recreations, 975 F.2d 604, 609 (9th Cir. 1992) (citations omitted).

Here, Plaintiff requests a limited modification of the Scheduling Order to preserve Plaintiff's right to complete his meet-and-confer efforts and file or supplement a motion to compel concerning Defendant's existing responses and production. Doc. #60. Plaintiff asserts good cause exists because Plaintiff was unable to access Defendant’s responses to Plaintiff’s discovery until the close of fact discovery deadline, and Defendant refused to extend said deadline and caused Plaintiff to act promptly to file the instant motion. Id.

In opposition, Defendant asserts that Plaintiff fails to establish good cause to grant this motion. Doc. #68. Plaintiff received Defendant’s discovery responses on April 14, 2026, and waited more than a month until the close of discovery to review the responses and raise any issues. Id. Plaintiff did not act with the requisite diligence that supports denying Plaintiff’s request to amend the Scheduling Order. Id. Further, Defendant reiterates that Plaintiff is using discovery as part of a harassment campaign against Defendant because the information sought by Plaintiff from Defendant is not relevant or minimally probative given the underlying issue of the complaint is Plaintiff’s financial hardship. Id.

Rule 16(b) and this court’s Scheduling Order require Plaintiff to show his diligence with respect to discovery before this court will extend the ordered discovery deadlines. The court finds that Plaintiff’s delay in timely reviewing Defendant’s discovery responses, even though Plaintiff an opportunity to resolve the access issues with an adequate amount of time prior to the discovery deadline, does not support this court finding that Plaintiff has been diligent in conducting discovery in this adversary proceeding. The court finds Plaintiff has failed to show good cause for extending the discovery deadline under Rule 16(b) and the legal authority interpreting that rule.

REQUEST FOR ATTORNEY’S FEES

Rule 37(a)(4) permits a moving party to recover reasonable expenses incurred in making a discovery motion, provided the court grants the motion or the discovery is provided after the filing of the motion. However, the awarding of expenses is not appropriate where the moving party filed a discovery motion without first making a good faith effort to obtain the discovery through non-judicial channels. Fed. R. Civ. P. 37(a)(4)(A). Here, Plaintiff failed to make this effort, and Plaintiff’s request for fees and expenses is denied.

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CONCLUSION

Accordingly, the motion to compel, including the request for fees and expenses, and the motion to modify the scheduling order are DENIED.

3. 21-10679-A-13 **IN RE: SYLVIA NICOLE**
23-1029 SN-6

MOTION TO BE RELIEVED FROM DEEMED ADMISSIONS
6-1-2026 [305]

NICOLE V. AMERICAN AUTOMOBILE ASSOCIATION OF NORTHERN CALIFORNIA
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date as required by Local Rule of Practice 9014-1(f)(1). The defendant timely filed written opposition on June 18, 2026. Doc. #320. The plaintiff filed a timely reply. Doc. #335.

Sylvia Nicole ("Plaintiff") moves to be relieved from deemed admissions against Plaintiff due to Plaintiff's late response to the request for admissions of American Automobile Association of Northern California, Nevada & Utah ("Defendant") to deem facts admitted ("Deemed Admissions Motion") entered on November 26, 2025. Doc. #305; Order, Doc. #198. While the court notes that the instant motion does not ask for relief pursuant to any code section, to the extent Plaintiff is asking to withdraw Plaintiff's admissions that are deemed admitted under Federal Rule of Civil Procedure ("Rule") 36(b), incorporated into this adversary proceeding by Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 7036, and accept Plaintiff's late responses to Defendant's request for admissions, that request is denied.

RELEVANT FACTS

Defendant served its Request for Admissions, Set Number One ("Admissions Request") on Plaintiff on May 29, 2025. Decl. of Danielle C. Weller, Doc. #187; Ex. A, Doc. #187. According to Defendant, pursuant to Rule 36(a)(3), made applicable to this adversary proceeding by Bankruptcy Rule 7036, Plaintiff's response to the Admissions Request was to be served no later than July 3, 2025. Weller Decl., Doc. #187. On July 18, 2025, Plaintiff responded to the Admissions Request by merely stating "Deny" with respect to each admission. Doc. #175. Ex. B, Doc. #187. Plaintiff signed her response but did not sign the response under oath or penalty of perjury. Id. Plaintiff is a chapter 13 debtor and is representing herself in this adversary proceeding.

On September 17, 2025, Defendant moved pursuant to Rule 36(a)(6) for an order deeming facts admitted in its Admissions Request served on Plaintiff on the grounds that Plaintiff's response was untimely, unverified, and non-substantive. Doc. #185. After a hearing, the court entered an order determining that because Plaintiff did not respond to the Admissions Request by the deadline pursuant to Rule 36(a)(3), the facts in the Admissions Request were deemed admitted. Doc. #195. Further, because the facts in the Admission Request were automatically deemed admitted, the response of "Deny" to each request for admission is sufficient, and Plaintiff was not required to sign her response under oath or penalty of perjury, so the Deemed Admitted Motion was denied as unnecessary. Id.

On April 10, 2026, Plaintiff filed motion to allow Plaintiff's late responses to the Admissions Request within a motion to set aside default judgment, which was denied. Order, Doc. #302.

APPLICABLE LAW

A matter is admitted unless within 30 days after being served with a request for admission, the party to whom the request is directed serves on the requesting party a written answer or objection. Fed. R. Civ. P. 36(a)(3). A party who fails to respond within 30 days and later tries to withdraw its deemed admissions "must make a strong showing[.]" 999 v. C.I.T. Corp., 776 F.2d 866, 869 (9th Cir. 1985). To determine whether a party may be permitted to withdraw or amend an admission, the court must determine whether the party satisfies two prongs: "First, the withdrawal will aid in presenting the merits of the case. Second, no substantial prejudice to the party who requested the admission will result from allowing the admission to be withdrawn or amended." Fed. R. Civ. P. 36(b); Conlon v. U.S., 474 F.3d 616, 625 (9th Cir. 2007).

ANALYSIS

Here, Plaintiff believes it is necessary for her to amend her Deemed Admissions prior to trial. Decl. of Sylvia Nicole, Doc. #306. Plaintiff asserts there will be no prejudice to the opposing party because Defendant will not be severely harmed or hindered in presenting its case if the court were to allow Plaintiff to submit her actual responses instead of the Deemed Admissions. Doc. #307.

Plaintiff has provided no analysis and has not presented any evidence to support the court granting this motion pursuant to Rule 36(b). Specifically, Plaintiff has failed to present any evidence that shows Plaintiff will be unable to present her case on the merits or that Defendant, as the adverse party, would not be substantially prejudiced by the withdrawal or amendment of the deemed admissions, which is what the court is required to determine in order to grant Plaintiff's motion.

CONCLUSION

Accordingly, because Plaintiff has failed sustain her burden required for this court to grant Plaintiff's motion to be relieved from the Deemed Admissions and allow Plaintiff's late responses to the Admissions Request, the motion is DENIED.

4. 24-12027-A-7 **IN RE: JESUS DOMINE GARCIA AND INDALECIA MALDONADO**
   26-1006 CAE-1

   CONTINUED STATUS CONFERENCE RE: COMPLAINT
   2-10-2026 [1]

   EDMONDS V. MALDONADO ET AL
   PETER SAUER/ATTY. FOR PL.

NO RULING.

5. 21-10679-A-13 **IN RE: SYLVIA NICOLE**
23-1029

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

NICOLE V. AMERICAN AUTOMOBILE ASSOCIATION OF NORTHERN CALIFORNIA

NO RULING.