



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, July 3, 2025
Department A – 510 19th street
Bakersfield, California

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

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

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

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

Please also note the following:

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

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

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

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

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

9:00 AM

1. [25-11213](#)-A-13 **IN RE: PABLO CHAVEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
5-29-2025 [[12](#)]

JOSHUA STERNBERG/ATTY. FOR DBT.

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

DISPOSITION: Continued to August 7, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Pablo Gonzales Chavez ("Debtor") filed a voluntary petition under chapter 13 and a chapter 13 plan ("Plan") on April 13, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) the Plan needs to reclassify Specialized Loan Servicing as a Class 2 creditor; and (2) the 341 meeting of creditors has not been concluded. Doc. #12. Debtor's 341 meeting of creditors has been continued to July 29, 2025 at 2:00 p.m. See court docket entry entered on June 24, 2025.

This objection will be continued to August 7, 2025 at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than July 24, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by July 31, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than July 31, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

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

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

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

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew the opposition after the debtor resolved Trustee's opposition. See Opp'n, Doc. #27; Opp'n Withdrawal, Doc. #39. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

3. [25-11724](#)-A-13 **IN RE: HEATHER ROBINSON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
6-10-2025 [\[11\]](#)
DISMISSED 6/26/25

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

An order dismissing this case was entered on June 26, 2025. Doc. #29. Therefore, this order to show cause is DROPPED AS MOOT.

4. [25-10825](#)-A-13 **IN RE: RICHARD/ANTOINETTE MADOS**
[LGT-1](#)

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

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

NO RULING.

5. [25-11628](#)-A-13 **IN RE: HARRIET THOMAS-LEWIS**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
6-4-2025 [\[20\]](#)

CAROLINE KIM/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

6. [23-10934](#)-A-13 **IN RE: DANIEL JONES**
[JNV-1](#)

MOTION TO AVOID LIEN OF CAPITAL ONE BANK (USA), N.A.
6-3-2025 [\[57\]](#)

DANIEL JONES/MV
JONATHAN VAKNIN/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

Daniel Ryan Jones ("Debtor"), the debtor in this chapter 13 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Capital One Bank (USA), N.A. ("Creditor") on the residential real property commonly referred to as 27201 Harness Drive, Tehachapi, California 93561 (the "Property"). Doc. #57; Schedule C, Doc. #1; Am. Schedule D, Doc. #52.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtor filed his bankruptcy petition on April 30, 2023. Doc. #1. A judgment was entered against Debtor in the amount of \$11,246.31 in favor of Creditor on October 14, 2022. Ex. D, Doc. #60. The abstract of judgment was recorded pre-petition in Kern County on November 8, 2022, as document number 222168200. Ex. D, Doc. #60. The lien attached to Debtor's interest in the Property located in Kern County. Id. The Property also is encumbered by a mortgage in favor of Wells Fargo Bank, N.A. in the amount \$315,208.66. Am. Schedule D, Doc. #52. Debtor claimed an exemption of \$300,000.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #1. Debtor asserts a market value for the Property as of the petition date at \$560,250.00. Schedule A/B, Doc. #1. Debtor also has set for hearing motions to avoid two junior judicial liens on the Property, both of which are also being granted (see calendar matters #7 and #8 below).

Applying the statutory formula:

Amount of Creditor's judicial lien		\$11,246.31
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$315,208.66
Amount of Debtor's claim of exemption in the Property	+	\$300,000.00
		\$626,454.97
Value of Debtor's interest in the Property absent liens	-	\$560,250.00
Amount Creditor's lien impairs Debtor's exemption		\$66,204.97

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

MOTION TO AVOID LIEN OF JPMORGAN CHASE BANK, N.A.
6-3-2025 [\[61\]](#)

DANIEL JONES/MV
JONATHAN VAKNIN/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

Daniel Ryan Jones ("Debtor"), the debtor in this chapter 13 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of JPMorgan Chase Bank, N.A. ("Creditor") on the residential real property commonly referred to as 27201 Harness Drive, Tehachapi, California 93561 (the "Property"). Doc. #61; Schedule C, Doc. #1; Am. Schedule D, Doc. #52.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtor filed his bankruptcy petition on April 30, 2023. Doc. #1. A judgment was entered against Debtor in the amount of \$17,892.35 in favor of Creditor on June 28, 2022. Ex. D, Doc. #63. The abstract of judgment was recorded pre-petition in Kern County on December 30, 2022, as document number 222190071. Ex. D, Doc. #63. The lien attached to Debtor's interest in the Property located in Kern County. Id. Debtor claimed an exemption of \$300,000.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #1. Debtor asserts a market value for the Property as of the petition date at \$560,250.00. Schedule A/B, Doc. #1. The Property also is encumbered by a mortgage in favor of Wells Fargo Bank, N.A. in the amount \$315,208.66. Am. Schedule D, Doc. #52. There appears to be a senior judicial lien that arises from an abstract of judgment recorded in Kern County on November 8, 2022 by Capital One Bank (USA), N.A. in the amount of \$11,246.31. Ex. D, Doc. #60. Debtor also has set for hearing a motion to avoid a junior judicial lien on the Property, which is also being granted (see calendar matter #8 below).

Applying the statutory formula:

Amount of Creditor's judicial lien		\$17,892.35
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$326,454.97
Amount of Debtor's claim of exemption in the Property	+	\$300,000.00
		\$644,347.32
Value of Debtor's interest in the Property absent liens	-	\$560,250.00
Amount Creditor's lien impairs Debtor's exemption		\$84,097.32

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

8. [23-10934](#)-A-13 **IN RE: DANIEL JONES**
[JNV-3](#)

MOTION TO AVOID LIEN OF JPMORGAN CHASE BANK, N.A.
6-3-2025 [[65](#)]

DANIEL JONES/MV
JONATHAN VAKNIN/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not

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

Daniel Ryan Jones ("Debtor"), the debtor in this chapter 13 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of JPMorgan Chase Bank, N.A. ("Creditor") on the residential real property commonly referred to as 27201 Harness Drive, Tehachapi, California 93561 (the "Property"). Doc. #65; Schedule C, Doc. #1; Am. Schedule D, Doc. #52.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtor filed his bankruptcy petition on April 30, 2023. Doc. #1. A judgment was entered against Debtor in the amount of \$3,453.19 in favor of Creditor on September 21, 2022. Ex. D, Doc. #67. The abstract of judgment was recorded pre-petition in Kern County on March 28, 2023, as document number 223034566. Ex. D, Doc. #67. The lien attached to Debtor's interest in the Property located in Kern County. Id. Debtor asserts a market value for the Property as of the petition date at \$560,250.00. Schedule A/B, Doc. #1. The Property also is encumbered by a mortgage in favor of Wells Fargo Bank, N.A. in the amount \$315,208.66. Am. Schedule D, Doc. #52. Debtor claimed an exemption of \$300,000.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #1.

There appear to be two senior judicial liens on the Property:

- (1) The first senior judicial lien arises from an abstract of judgment recorded in Kern County on November 8, 2022 by Capital One Bank (USA), N.A. in the amount of \$11,246.31. Ex. D, Doc. #60.
- (2) The second senior judicial lien arises from an abstract of judgment recorded in Kern County on December 30, 2022 by JPMorgan Chase Bank, N.A. in the amount of \$17,892.35. Ex. D, Doc. #63.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$3,453.19
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$344,347.32
Amount of Debtor's claim of exemption in the Property	+	\$300,000.00
		\$647,800.51
Value of Debtor's interest in the Property absent liens	-	\$560,250.00
Amount Creditor's lien impairs Debtor's exemption		\$87,550.51

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

9. [23-12338](#)-A-13 **IN RE: SALINA THOMAS**
[DHC-8](#)

MOTION TO MODIFY PLAN
5-28-2025 [\[130\]](#)

SALINA THOMAS/MV
DAVID CHUNG/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to August 7, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice 3015-1(d)(2). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to modify the chapter 13 plan. Tr.'s Opp'n, Doc. #136. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than July 24, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by July 31, 2025.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than July 31, 2025. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

10. [25-10142](#)-A-13 **IN RE: MARIANA LUCERO**
[NES-2](#)

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

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

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Debtor Mariana Lucero ("Debtor") filed and served this motion to confirm the first modified chapter 13 plan on at least 35 days' notice pursuant to Local Rule of Practice 3015-1(d)(1) and set the motion for hearing on June 4, 2025. Doc. ##32-37. The chapter 13 trustee ("Trustee") and creditor Planet Home Lending, LLC ("Creditor") filed objections to the debtor's motion to confirm the chapter 13 plan. Doc. ##41, 43. The court continued this matter to July 3, 2025 and ordered Debtor to file and serve a written response to Trustee and Creditor's objections by June 18, 2025; or if Debtor elected to withdraw this plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by June 25, 2025. Order, Doc. #48.

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

Accordingly, Debtor's motion to confirm her first modified chapter 13 plan is DENIED on the grounds set forth in Trustee and Creditor's opposition.

11. [25-10352](#)-A-13 **IN RE: MARI RUB-FERRELL**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
3-21-2025 [\[21\]](#)

DISMISSED 6/4/25

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 4, 2025. Doc. #44. Therefore, this objection will be OVERRULED AS MOOT.

12. [25-10459](#)-A-13 **IN RE: DANIEL/MADALENA HENSLEY**
[SD-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
4-25-2025 [\[43\]](#)

STETSON CAPITAL ADVISORS I, LP/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHANNON DOYLE/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

13. [25-11462](#)-A-13 **IN RE: MAREBEL RANGEL**
[JCW-1](#)

MOTION TO CONFIRM TERMINATION OR ABSENCE OF STAY
5-27-2025 [\[12\]](#)

WILSHIRE CONSUMER CREDIT/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

Creditor Wilshire Consumer Credit ("Movant") moves the court for an order confirming the termination of the automatic stay in this case pursuant to 11 U.S.C. § 362(c)(4)(A)(ii) to allow Movant to commence and continue all acts necessary to repossess a 2017 GMC Sierra 3500 HD Crew Cab Denali Pickup, VIN: 1GT42YFY4HF195179 ("Vehicle") belonging to debtor Maribel Rangel ("Debtor"). Doc. #12.

Under 11 U.S.C. § 362(c)(4)(A)(ii), if a debtor has filed two or more cases that were dismissed the previous year, the automatic stay under 362(a) shall not go into effect. 11 U.S.C. § 362(c)(4)(A)(ii) also provides that on request of a party in interest, the court shall promptly enter an order confirming that no

stay is in effect. After review of the included evidence, the court finds that no stay is in effect.

Debtor filed this case on May 5, 2025. Petition, Doc. #1. Debtor had two chapter 13 cases pending within the one-year period preceding the filing of this bankruptcy, Case No. 24-12335 (Bankr. E.D. Cal.) (the "First Prior Case") and Case No. 25-10665 (Bankr. E.D. Cal.) (the "Second Prior Case"). The First Prior Case was filed on August 14, 2024 and dismissed on January 9, 2025. The Second Prior Case was filed on March 4, 2025 and dismissed on April 2, 2025. Because Debtor's First Prior Case and Second Prior Case were pending and dismissed within the one-year period preceding the filing of this case, the automatic stay did not go into effect when Debtor filed this case on May 5, 2025.

Accordingly, the motion is GRANTED pursuant to 11 U.S.C. § 362(c)(4)(A)(ii). The court confirms the automatic stay has terminated as to Movant and the Vehicle.

14. [25-11462](#)-A-13 **IN RE: MAREBEL RANGEL**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
6-10-2025 [\[17\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to August 7, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Marebel Rangel ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on May 5, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the 341 meeting of creditors has not yet concluded, (2) Debtor has failed to provide her 2024 tax returns, and (3) Debtor has failed to provide Debtor's business questionnaire and bank statements from the months of November 2024 through April 2025 as requested by the Trustee. Doc. #17. The 341 meeting of creditors was continued to July 1, 2025 at 1:00 p.m. See court docket entry entered on June 9, 2025.

This objection will be continued to August 7, 2025 at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than July 24, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by July 31, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than July 31, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

15. [25-10674](#)-A-13 **IN RE: FRANCISCA RODRIGUEZ**
[LGT-1](#)

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

ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

16. [24-13289](#)-A-13 **IN RE: JORGE PERALES**
[DMG-3](#)

MOTION TO CONFIRM PLAN
5-23-2025 [[75](#)]

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

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

DISPOSITION: Dropped as moot.

ORDER: The court will issue an order.

The debtor filed an amended plan on June 20, 2025 (DMG-4, Doc. #87), with a motion to confirm the amended plan set for hearing on August 6, 2025. Doc. ##86-90. Therefore, this motion is DROPPED AS MOOT.

10:00 AM

1. [11-18268](#)-A-7 **IN RE: GREGORY/ELIZABETH PETRINI**
[DMG-2](#)

MOTION TO COMPEL ABANDONMENT
6-12-2025 [[124](#)]

ELIZABETH PETRINI/MV
D. GARDNER/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.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(c), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on June 12, 2025 using a Clerk's Matrix of Creditors that was generated on April 16, 2025. Doc. #128. Accordingly, service of notice of the motion does not comply LBR 7005-1(c).

2. [25-11499](#)-A-7 **IN RE: RIGOBERTO CEJA**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
5-23-2025 [[14](#)]

HECTOR VEGA/ATTY. FOR DBT.

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

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

10:30 AM

1. [25-10505](#)-A-11 **IN RE: WATTS CHOPPING**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
2-21-2025 [[1](#)]

LEONARD WELSH/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to August 6, 2025 at 9:30 a.m.

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

Because the debtor's monthly operating reports are current, the court intends
to continue this status conference to August 6, 2025 at 9:30 a.m. to be heard
in connection with the hearing to confirm the debtor's chapter 11 plan.

2. [24-12709](#)-A-11 **IN RE: KEWEL MUNGER**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
9-17-2024 [[1](#)]

RILEY WALTER/ATTY. FOR DBT.

NO RULING.

3. [24-12709](#)-A-11 **IN RE: KEWEL MUNGER**
[WJH-14](#)

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

KEWEL MUNGER/MV
RILEY WALTER/ATTY. FOR DBT.
RESPONSIVE PLEADING
CONT'D TO 8/27 BY ECF ORDER #394

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

DISPOSITION: Continued to August 27, 2025 at 9:30 a.m.

NO ORDER REQUIRED.

The parties have stipulated to continue the hearing on the motion for turnover
of property to August 27, 2025 at 9:30 a.m. The court already issued an order
on June 18, 2025. Doc. #394.

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-24-2025 [\[411\]](#)

KEWEL MUNGER/MV
RILEY WALTER/ATTY. FOR DBT.
OST 6/24/25

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 the hearing.

On June 24, 2025, the court granted the debtor's ex parte request for an order shortening time to hear the debtor's motion for relief from stay. Doc. #408. This motion was set for hearing on July 3, 2025 at 10:30 a.m. pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). 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.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #415. However, Federal Rules of Bankruptcy Procedure 4001(a)(1) and 9014 require service of a motion for relief from stay be made pursuant to Federal Rule of Bankruptcy Procedure 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Debtor in possession Kewel K. Munger dba Munger Investments ("Debtor") filed his chapter 11 bankruptcy case on September 17, 2024. Doc. #1. Debtor and his wife, Janie N. Munger ("Munger"), have been embroiled in a contentious dissolution of their marriage. Decl. of Kewel K. Munger, Doc. #413. The Kern County Superior Court has not entered an order dividing the community property between Debtor and Munger in a Dissolution of Marriage case pending in the Kern County Superior Court (Case No. BFL-23-002938) ("Family Law Case"). Decl. of Kewel K. Munger, Doc. #142.¹

After a mediation before Judge Stephen D. Schuett (Ret.) on at least two separate occasions as well as subsequent protracted negotiations, Debtor and Munger have reached a global settlement of all community property issues between them including a property division and dissolution of marriage. Munger Decl., Doc. #413. Debtor now seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) to have a stipulated judgment entered in the Family Law Case. Doc. #411. Munger stipulates to such relief. Ex. A, Doc. #414.

Pursuant to 11 U.S.C. § 362(b)(2)(A)(iv), the Bankruptcy Code provides that there is no automatic stay with respect to the Family Law Case except to the extent that the Family Law Case seeks to determine the division of property

¹ The court, on its own, can take judicial notice of pleadings filed in this bankruptcy case and does so. Fed. R. Evid. 201; Bank of Am., N.A. v. CD-04, Inc. (In re Owner Mgmt. Serv., LLC), 530 B.R. 711, 717 (Bankr. C.D. Cal. 2015).

that is property of the estate. Here, Debtor and Munger seek to enter a stipulated judgment in the Family Law Case that will, among other things, include the division of property that is property of the estate. Munger Decl., Doc. #413. Thus, Debtor moves for relief from stay.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985). When a movant seeks for relief from the automatic stay to initiate or continue non-bankruptcy court proceedings, a bankruptcy court may consider the "Curtis factors" in making its decision. Kronemyer v. Am. Contrs. Indem. Co. (In re Kronemyer), 405 B.R. 915, 921 (B.A.P. 9th Cir. 2009). "[T]he Curtis factors are appropriate, nonexclusive, factors to consider in deciding whether to grant relief from the automatic stay" to allow litigation in another forum. Id. The Curtis factors include: (1) whether the relief will result in a partial or complete resolution of the issues; (2) the lack of any connection with or interference with the bankruptcy case; (3) whether the non-bankruptcy forum has the expertise to hear such cases; (4) whether litigation in another forum would prejudice the interests of other creditors; and (5) the interest of judicial economy and the expeditious and economical determination of litigation for the parties. In re Curtis, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984).

Permitting Debtor to enter a stipulated judgment in the Family Law Case will not prejudice the interests of other creditors. Munger Decl., Doc. #413. This court remanded the Family Law Case back to state court in part because state law issues predominate over bankruptcy issues in the Family Law Case and remand would facilitate the administration of the estate. Adv. Proc. No 24-01057, Court audio file, Doc. #42. Granting Debtor relief from the stay will completely resolve the remaining issues between Debtor and Munger, is in the best interests of the bankruptcy estate, will aid in the administration of this estate and will benefit Debtor's creditors. Doc. #411; Munger Decl., Doc. #413. For these reasons, the court finds that cause exists to lift the stay.

Accordingly, pending opposition being raised at the hearing, this motion will be GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Debtor to enter into a stipulated judgment in the Family Law Case. No other relief is awarded.

11:00 AM

1. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[24-1056](#) [WJH-4](#)

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

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

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

The motion was resolved by stipulation and order entered on June 6, 2025.
Doc. #68.