UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California
Hearing Date: Wednesday, July 8, 2026

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

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

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

Please also note the following:

- Parties in interest and/or their attorneys may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.

- Members of the public and the press who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.

- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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

1. Review the Pre-Hearing Dispositions prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the CourtCall Appearance Information. If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

Post-Publication Changes: The court endeavors to publish its rulings as soon as possible. However, calendar preparation is ongoing, and these rulings may be revised or updated at any time prior to 4:00 p.m. the day before the scheduled hearings. Please check at that time for any possible updates

9:30 AM

1. 26-11512-B-13 **IN RE: WALTER SAMIRI**
   LGT-1

   CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
   LILIAN G. TSANG
   5-22-2026 [19]

   DAVID JOHNSTON/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the Chapter 13 Plan filed by Walter Samiri ("Debtor") on April 18, 2026, on the following basis:

1. The Debtor proposes a 36-month plan. However, according to Debtor's Form 122C-1, line 20b, Debtor's annualized income is above-median, and so a 60-month plan is required.
2. The plan fails to meet the liquidation test, as Debtor has $202.20 remaining per month which could be paid to unsecured creditors.
3. The plan lists Lendmark Financial Services as a Class 2B creditor for two separate loans, but Debtor has not filed a motion for valuation as to the collateral for either debt.
4. The 341 Meeting of Creditors has not been concluded due to Debtor's failure to provide profit and loss statements. The continued meeting is set for June 18, 2026.

Doc. #16. On June 22, the court continued this objection to July 8, 2026. Docs. ##22-23. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

Debtor filed neither a written response nor a modified plan. On June 22, 2026, the Trustee filed a Supplemental Objection, advising that the 341 Meeting of Creditors had been concluded but that the other three Objections remained unresolved. Doc. #26. Accordingly, Trustee's objection will be SUSTAINED on the grounds stated in the objection.

2. 26-12612-B-13 **IN RE: KYISHA CLAY-ROBY**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
6-15-2026 [13]

WILLIAM EDWARDS/ATTY. FOR DBT.

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the $313.00 filing fee was paid on July 5, 2026. Accordingly, this order to show cause will be VACATED.

3. 25-14213-B-13 **IN RE: DEON FERGUSON AND REBECCA ACEVES**
LGT-3

MOTION TO DISMISS CASE
6-9-2026 [53]

LILIAN TSANG/MV
DAVID CHUNG/ATTY. FOR DBT.

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED

The chapter 13 trustee withdrew this motion on July 2, 2026. Doc. #64. Accordingly, this matter will be taken off calendar pursuant to the trustee's withdrawal.

4. 25-13915-B-13 **IN RE: EDUARDO FARIAS**
CAE-1

CONTINUED MOTION FOR COMPENSATION BY THE LAW OFFICE OF WILLIAMS & WILLIAMS, INC. FOR ROBERT S. WILLIAMS, DEBTORS ATTORNEY(S)
5-8-2026 [57]

ROBERT WILLIAMS/ATTY. FOR DBT.
DISMISSED 03/25/26

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

DISPOSITION: Granted.

ORDER: The moving party will prepare the order in congruity with the ruling below.

This matter was previously heard on June 10, 2026. Doc. #64.

On May 8, 2026, in response to this court's Order to Show Cause dated April 27, 2026 (Doc. #51), Robert S. Williams and the Law Office of Williams & Williams, Inc. ("Attorney") filed this Motion for Compensation in the above-styled case. Doc. #57.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's 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). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest timely filed written opposition, and the defaults of all nonresponding parties were entered. However, the court noted that the motion was not accompanied by a declaration from Attorney attesting to the statements in the pleading, and the motion was silent as to the normal hourly billing rates for any attorneys and/or legal professionals who worked on this case. While the motion was accompanied by a statement of the work performed on behalf of the debtor services provided to justify the award sought, the court still required a declaration attesting to the underlying facts. Such a declaration must also include a statement regarding Mr. Williams' regular hourly rate and also the rates for any other attorneys and/or legal professionals who worked on this case.

The court continued this matter to July 8, 2026, and advised Attorney that if he submitted the requested Declaration at least seven (7) days before the
continued hearing date, the court may pre-dispose of the matter before the hearing.

On June 20, 2026, Attorney submitted a Declaration attesting that he did not charge an hourly rate because all his work was performed on a flat-fee basis, but that, based on his observation of the court's fee awards in comparable cases, he estimated that he would be approved at $400.00 an hour for legal work, plus $100 an hour for any staff who worked on this case. Doc. #68.

In this Application, Attorney requests that he be awarded a total of $2,000.00 in compensation under 11 U.S.C. § 330, which is the total amount which Eduardo Farias ("Debtor") paid him prepetition. Doc. #57. In his Application, Attorney seeks expense reimbursement of $500.00, consisting of $313.00 for the filing fee, $18.95 for credit counseling, and $106.33 for outsourced printing, yielding total costs of $483.28. *Id.* The amount remaining from the prepetition retainer after expenses are deducted is $1,516.72, and at a rate of $400.00 per hour, 4 billable hours would be sufficient to justify an award of $1,516.72 in attorney fees.

Applicant's services here included, without limitation: client meetings; drafting the skeletal petition and preparing it for client signature; filing the petition; sending email that the petition was filed to stop the foreclosure sale; preparing and filing the remaining bankruptcy documents; the 341 meeting of creditors; claim objections; preparation of a modified plan; coordination with debtor's state court attorney; and communications with Debtor regarding Debtor's decision to voluntarily dismiss. Doc. #57. The court finds the services and expenses reasonable, actual, and necessary.

No party in interest timely filed written opposition. Accordingly, this application will be GRANTED.

Applicant will be awarded $2,000.00 in total compensation for fees earned and expenses reimbursed on a final basis under 11 U.S.C. § 330. Attorney is authorized to apply the prepetition retainer funds to that end.

5. 26-11616-B-13 **IN RE: ROGELIO REYNOSO AND CARINA CANTU**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-20-2026 [12]

LILIAN TSANG/MV
PETER BUNTING/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Withdrawn.

No order is required.

On June 10, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #17. Accordingly, this Objection is WITHDRAWN.

6. 26-10717-B-13 **IN RE: JEFFREY/CHRISTIN GABLE**
WSL-1

MOTION TO CONFIRM PLAN
5-27-2026 [42]

CHRISTIN GABLE/MV
GREGORY SHANFELD/ATTY. FOR DBT.

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

DISPOSITION: Continued to August 5, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Jeffrey and Christin Gable ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated May 27, 2026. Docs. #42, #46. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Monthly payments of $2,423.00 for months 1-3. Monthly payments of $2,877.00 for months 4-60.
2. Outstanding attorney's fees of $8,000.00 to be paid through the plan pursuant to LBR 2016-1(c).
3. Secured Claims to be classed and treated as follows:
   a. Capital One Auto Finance ("Capital One")(Class 2A, PMSI vehicle loan secured by 2014 Chevrolet Trax). $29,274.83 at 6.00% to be paid at $1,297.48 per month.
   b. TD Auto Finance (Class 2A, PMSI vehicle loan secured by Hyundai Elantra). $5,835.61 at 8.25% to be paid at $264.73 per month.

c. Bank of America (Class 4, Mortgage on 3525 Monument Hills Ave., Rosamund, CA). $234.00 per month paid directly by Debtors.
d. Ocwen Loan Servicing, LLC (Class 4, Mortgage on 3525 Monument Hills Ave., Rosamund, CA). $2,308.33 per month paid directly by Debtors.

4. 100% dividend to general unsecured creditors with claims estimated at approximately $105,907.26.

Doc. #46.

Capital One Auto Finance ("Creditor") timely objected to confirmation of the plan for the following reason(s):

1. The plan proposes an interest rate of 6.00% on Creditor's Class 2A claim. Creditor argues that *Till* requires an interest rate of at least 8.59%.
2. The plan does not provide for an arrearage of $592.91 on Creditor's claim.

Doc. #60; *see also Item #7, below.*

This matter will be CONTINUED to August 5, 2026. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect 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 **7 days before the hearing**. If the Debtors do 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.

7. 26-10717-B-13   **IN RE: JEFFREY/CHRISTIN GABLE**
WSL-1

OBJECTION TO CONFIRMATION OF PLAN BY CAPITAL ONE AUTO FINANCE
6-17-2026 [60]

CAPITAL ONE AUTO FINANCE/MV
GREGORY SHANFELD/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

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

DISPOSITION: Continued to August 5, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Capital One Auto Finance ("Creditor") objects to confirmation of the *First Modified Chapter 13 Plan* filed by Jeffrey and Christin Gable on May 27, 2026, for the following reason(s):

1. The plan proposes an interest rate of 6.00% on Creditor's Class 2A claim. Creditor argues that *Till* requires an interest rate of at least 8.59%.
2. The plan does not provide for an arrearage of $592.91 on Creditor's claim.

Doc. #60.

This objection will be CONTINUED to August 5, 2026. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing.** 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing.**

If the Debtors elect 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 **7 days before the hearing.** If the Debtors do 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

8. 26-10622-B-13 **IN RE: IDALAFAYE DAVIS**
LGT-2

MOTION TO DISMISS CASE
6-9-2026 [25]

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED

The chapter 13 trustee withdrew this motion on July 1, 2026. Doc. #37. Accordingly, this matter will be taken off calendar pursuant to the trustee's withdrawal.

9. 26-10451-B-13 **IN RE: IAN/KELLEY PAYNE**
LGT-2

MOTION TO DISMISS CASE
6-9-2026 [62]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted or denied without prejudice.

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

Chapter 13 trustee Lilian G. Tsang ("Trustee") moves to dismiss this case for cause under 11 U.S.C. §§ 1307(c)(1) and (c)(4) for unreasonable delay by Ian Patrick Payne and Kelley Ann Payne ("Debtors") that is prejudicial to creditors and failure to make all payments due under the plan. Doc. #62. As of June 9, 2026, Debtors have failed to make all payments due under the plan and Debtors are delinquent $2,500.00. Doc. #64. Before the hearing on this motion, an additional payment of $1,000.00 will become due.

Debtors timely filed a response. Doc. #69. Debtors' counsel, Robert Williams, avers to his inability to communicate with Debtors and lack of knowledge as to their intentions.

This matter will be called as scheduled to inquire whether Debtors have cured the delinquency. If so, this motion may be DENIED WITHOUT PREJUDICE. Otherwise, the motion may be GRANTED, and the case dismissed.

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

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.

A review of Debtor's Schedules A/B and D shows that Debtors' significant assets, vehicles and real property, are over encumbered. Debtors have claimed exemptions in the remaining assets. Doc. #62. Because there is no equity to be realized for the benefit of the estate, dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

This matter will be called as scheduled to inquire whether Debtors have cured the delinquency. If so, this motion may be DENIED WITHOUT PREJUDICE. Otherwise, the motion may be GRANTED, and the case dismissed.

10. 22-10957-B-13 **IN RE: BRYAN URNER AND JULIE VANDERNOOR URNER**
LGT-3

CONTINUED MOTION TO DISMISS CASE
5-4-2026 [97]

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

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

DISPOSITION: Continued to July 29, 2026, at 9:30 a.m.

ORDER: The court will prepare the order.

This matter is hereby CONTINUED to July 29, 2026, at 9:30 a.m. to be heard in conjunction with the Debtors' continued *Motion to Modify Plan. See Item #11, below.*

11. 22-10957-B-13 **IN RE: BRYAN URNER AND JULIE VANDERNOOR URNER**
RSW-4

MOTION TO MODIFY PLAN
6-1-2026 [102]

JULIE VANDERNOOR URNER/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to July 29, 2026, at 9:30 a.m.

ORDER: The court will prepare the order.

Bryan Urner and Julie Vandernoor ("Debtors") move for an order confirming the *Fourth Modified Chapter 13 Plan* dated June 1, 2026. Docs. #102, #106. Debtors' current plan was confirmed on January 7, 2026. Doc. #95

No party has timely objected.

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 any party in interest, including but not limited to creditors, the U.S. Trustee, and the case 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 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).

The motion requests that the confirmed plan be modified as follows:

1. Section 2.01 is modified to provide that debtors shall pay a total of $223,850.00 in plan payments through May 2026. Beginning June 2026, the monthly plan payment will increase from $5,600.00 to $6,631.00.
2. Monthly dividends to Class 2A creditors OneMain Financial and Wells Fargo Dealer Services will increase from $1,351.79 to $1,463.63 and from $2,775.35 to $3,004.98, respectively.
3. The plan is otherwise unchanged.

Compare Doc. #87 *with* Doc. #106.

Debtors aver that this modification is necessary because they fell behind due to unexpected expenses. Doc. #104 (Declaration of Bryan Urner). Debtors further aver that Co-Debtor Julie Vandernoor has received a pay raise and so they can afford the increased plan payments. *Id.* Debtors further declare that an amended budget is forthcoming but has not been filed yet. *Id.* The court notes that the most recent Schedule J dated November 21, 2025, reflects a monthly net income of only $5,635.95, which is insufficient to accommodate the increased monthly plan payment. Doc. #88.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. In the absence of Amended Schedules I & J, the court cannot grant the motion even in the absence of opposition. Accordingly, this matter will be CONTINUED to July 29, 2026, at 9:30 a.m. to afford Debtors additional time to file an amended budget.

12. 25-20057-B-13 **IN RE: STEVEN BUSHER**
CAE-1

CONTINUED CHAPTER 13 VOLUNTARY PETITION
1-7-2025 [1]

KEVIN TANG/ATTY. FOR DBT.
DISMISSED 04/01/2026

NO RULING.

13. 25-25664-B-13 **IN RE: MICHAEL/MICHELLE MAHER**
MOH-2

CONTINUED MOTION TO CONFIRM PLAN
3-5-2026 [48]

MICHELLE MAHER/MV
MICHAEL HAYS/ATTY. FOR DBT.

NO RULING.

This case was originally before Judge Frederick Clement and later reassigned to the undersigned judge.

Michael and Michelle Maher ("Debtors") move for an order confirming their *First Modified Chapter 13 Plan*, dated December 10, 2026 ("the December 10 Plan"). Docs. #27, #48. No plan has been confirmed so far.

The docket reflects that Debtors filed this case on October 15, 2025, and their initial plan ("the Original Plan") on October 22, 2026. Docs. #1, #9. On December 9, 2025, Chapter 13 Trustee David Cusick ("Trustee") objected to confirmation of the Original Plan. Doc. #23 (DCN DPC-1). On December 10, Debtor filed the December 10 Plan which carried the Docket Control Number ("DCN") MOH-1 (the "MOH-1 Motion") and a motion to confirm same, with the confirmation hearing set for February 24, 2026. Docs. ##27-29.

On February 27, 2026, Judge Clement entered an order denying the MOH-1 Motion without prejudice for procedural deficiencies. Doc. #46.

On March 2, 2026, this case was reassigned to the undersigned judge. On March 11, the court overruled the DPC-1 Objection on mootness grounds because the MOH-1 Motion had already been denied.

On March 5, 2026, Debtor filed a *Motion to Confirm Chapter Plan* carrying the DCN MOH-2 ("the MOH-2 Motion"). Doc. #48. The MOH-2 Motion was set for hearing on March 13, 2026. Doc. #49. It was not immediately clear to the court whether the MOH-2 Motion sought confirmation of the December 10 plan, for which Judge Clement denied confirmation, or confirmation of a Second Modified Plan which, presumably through oversight, was not filed.

On December 30, 2025, Trustee Objected to confirmation of the MOH-1 Plan dated December 9, 2025. Doc. #52. On March 11, 2026, the court overruled that objection on the grounds that Debtor had since filed the MOH-2 Motion, though no Second Modified Plan had been filed yet.

On April 29, 2026, Trustee David Cusick filed an Objection to Confirmation in conjunction with the MOH-2 Motion, though Trustee noted the confusion about which plan was under discussion. Doc. #56. Proceeding under the assumption that the relevant plan was the

December 10 Plan, Trustee offered specific grounds for objection, including:

1. The plan payments are delinquent by $4,582.00 as of April 29, 2026, with additional payments accruing.
2. The plan is dependent on the sale or refinance of the underlying debt attached to the real property known as 1203 Drakes Bar Ct., Plumas Lake, CA 95961 ("the Property") "on or before May 2027." No motion to approve the sale or refinance of the Property has been filed as of April 29, 2026, and the plan provides little guidance on this subject.
3. Debtors must file Amended Schedules I & J to show they can afford plan payments. The most recent Schedule I was filed on November 12, 2025, and lists an income for Michelle Maher in the amount of $3,612.00. (Doc. #19, Schedule I). This amount is projected income that Michelle "hopes" to be able to earn after returning to work following recovery from knee surgery. There is no indication of when that will be or how reliable that estimation of future earnings will be.
4. There is a discrepancy between the Disclosure of Attorney Compensation Form and the proposed attorney compensation as outlined in the plan.
5. Service does not comply with LBR 9014-1(e)(2) which requires that pleadings or documents be served not more than three days after filing. The certificate of service attached to this motion was filed on March 5, 2026. But if the plan under consideration is the First Modified Plan dated December 9, 2025, the plan and the most recent Amended Schedule J were filed many months prior to that.

Doc. #56.

On May 6, 2026, Trustee filed a Status Report advising that Debtors were now current in plan payments and that the attorneys' fees would be reduced to $8,000.00 due to the plan's shorter duration, but that the other Objections were not resolved. Doc. #58. Trustee states that he is not averse to confirmation of a plan contingent on a sale or refinance in the short term, but he balks at one where the sale or refinance must be consummated by a date more than a year away (May 2027). *Id.* Trustee reiterates his concerns about the staleness of the Debtors' Schedules I & J and whether the plan is feasible. *Id.*

On May 8, 2026, Debtors filed a *Response to Trustee's Opposition* which, inter alia, confirms that the relevant plan under consideration is the December 10, 2025, Plan. Doc. #60. Debtors have also submitted a Declaration by Clancy Callahan, the office manager for Debtor's counsel, who states that Debtor's counsel is in receipt of pay advices from Michael Maher showing a monthly income of $9,939.08, and proof of state disability payments for Michelle Maher showing that she has been receiving $2,053.82 every two weeks. Doc. #61. Copies of those documents are included as exhibits to the Response. Doc. #62. Debtors assert that these Exhibits demonstrate that the plan is feasible, as

Michelle Maher’s disability payments are actually higher than the prospective future income she anticipated after her eventual return to work as stated in Schedule J. Doc. #60.

With definitive clarification of which plan is under consideration, the court notes that the December 10 Plan has the following terms:

- Plan payments will be $3,835.00 for November 2025, increasing to $4,600.00 per month beginning in December 2025 through May 2027.
- Boe and Holly Robinson, who hold a security interest in Debtors’ residence, will receive $3,250.00 in November 2025, increasing to $4,000.00 per month beginning in December 2025 through May 2026.
- Monthly plan payments will continue for a total of 19 months. On or before May 2027, Debtors will sell or refinance the home which secures the Robinson debt and pay off the remaining through escrow.
- Outstanding attorney’s fees in the amount of $5,000.00 will be paid through the plan at $263.00 per month, a reduction from $12,000.00 to be paid under the original plan.
- Secured creditors to be classified and treated as follows:
    - Boe & Holly Robinson (Class 2A, to be treated as stated above).
    - Bridgecrest Credit Company (Class 4, 2022 Ford Explorer). $802.00 per month to be paid directly by Debtors.
- General unsecured creditors will be paid a dividend of 0% on claims estimated at approximately $94,883.00.

Doc. #27. On June 3, 2026, Debtors filed an *Amended Schedule I* and an *Official Form 106Sum* stating that their combined gross monthly income was $11,072.00 that their Expenses were unchanged at $5,200.00. Doc. #68. This indicates a monthly net income of $5,772.00, which is adequate to make the proposed plan payments. *Id.*

On June 10, 2026, the Trustee raised additional Objections:

6. The plan has no declared length in § 2.03.
7. Debtor is not current in direct post-petition mortgage payments to the Class 4 Creditor as of June 10, 2026.

Doc. #81. Trustee also advised that:

1. Debtor was current in plan payments.
2. The Trustee does not oppose the 19-month delay in the sale if the court approves it.
3. Trustee agrees that based on the most recent Schedules I & J, Debtor can afford plan payments.
4. Trustee acknowledges the reduction in attorney fees.
5. Trustee acknowledges that the certificate of service may be sufficient.

Id. On June 15, 2026, the Debtors filed a Reply, conceding a deficiency in direct mortgage payments but asserting that it was due to an issue with the auto-draft. Doc. #87. Debtors requested a continuance to resolve that issue prior to the hearing on Bridgecrest's *Motion for Stay Relief,* and the court continued the matter to July 8, 2026, at 9:30 a.m. Docs. #87, #89.

If the (currently speculative) sale/refinance happens in May 2027, and the Robinson debt is paid off as planned, Debtors will have no remaining secured creditors to be paid through a 0% plan after month 19. It is unclear whether Debtors will continue in Chapter 13 and make payments to general unsecureds or whether they envision some other endgame for this case. The plan does not expressly say how many months it will last, with Section 2.03 directing the reader to the Section 7 Nonstandard Provisions. Doc. #27. The Nonstandard Provisions, however, are silent on the Plan's duration except to suggest that plan payments will only continue for a total of 19 months. Debtors are below-median-income, and so the commitment period is 3 years. Doc. #19 (Form 122C-1).

After that tortuous history, it appears that the only remaining issue is whether Debtors have cured the deficiency in direct payments to Bridgecrest.

A hearing in this matter will proceed as scheduled to determine on the record whether all Objections have been fully resolved. If so, the court is inclined to GRANT this motion. If not, the court may DENY the motion or CONTINUE this matter to afford Debtors additional time in which to resolve the remaining objections or, alternatively, file a new plan.

14. 25-25664-B-13 **IN RE: MICHAEL/MICHELLE MAHER**
RH-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-4-2026 [71]

BRIDGECREST CREDIT COMPANY, LLC/MV
MICHAEL HAYS/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined.

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

Bridgecrest Credit Company ("Bridgecrest" or "Movant") seeks relief from the automatic stay under 11 U.S.C. §§ 362(d)(1) and (d)(2) with respect to personal property consisting of a 2021 Ford Explorer Limited Sport Utility 4D ("Vehicle"). Doc. #71 *et seq.* Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. ("Rule") 4001(a)(3). *Id.* Michael and Michelle Maher oppose. Doc. #93.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

Except for Debtors, no party in interest timely filed written opposition, and the defaults of all nonresponding parties are entered. Trustee David Cusick ("Trustee") has filed a response indicating his non-opposition to the motion. Doc. #93.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "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).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have an equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because Debtors have failed to make post-petition payments on the Vehicle and are delinquent at least $4,492.00 as of June 4, 2026, with additional payments accruing. Doc. #73 (Declaration of Elizabeth Quinn, a Bankruptcy Specialist at Bridgecrest).

The court declines to find that Debtors do not have any equity in the Property. While Debtors' Schedules indicate that there is no equity in the Vehicle, Bridgecrest presents no evidence that the Vehicle is not necessary for an effective reorganization except to incorrectly state that this is a Chapter 7 case and so effective reorganization is not a fact. Doc. #71. This is, in fact, a Chapter 13 case, and Bridgecrest's assertion that the Vehicle is not necessary to an effective reorganization is unsupported. In any case, relief under § 362(d)(2) is moot where there is "cause" to grant the motion under § 362(d)(1).

On June 23, 2026, the Debtors filed a Response to the motion, supported by a Declaration by Clancy Callahan (office manager for Debtors' counsel), asserting that the missed payments were the result of the auto-draft payments to Bridgecrest stopping, apparently in response to the bankruptcy filing and unbeknownst to Debtors. Docs. ##93-94. Debtors aver that they will bring the Bridgecrest arrearage current before the hearing date.

Hearing on this matter will proceed as scheduled to determine whether Debtors have brought their direct payments to Bridgecrest current. Depending on how the matter develops at the hearing, the court may GRANT the motion pursuant to § 362(d)(1), DENY the motion, or CONTINUE the matter to a later date. If the motion is granted, the 14-day stay will be waived because the Vehicle is a depreciating asset.

15. 26-10971-B-13 **IN RE: ANITA IRVEN**
LGT-2

MOTION TO DISMISS CASE
6-9-2026 [30]

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

The chapter 13 trustee asks the court to dismiss this case for unreasonable delay by the Anita Lynn Irven ("Debtor") that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)) and because Debtor has failed to make all payments due under the plan (11 U.S.C. § 1307(c)(4)). Doc. #30. Debtor did not oppose.

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

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

Here, Debtor is delinquent in the amount of $3,536.00. Doc. #32. Before this hearing, another payment in the amount of $1,768.00 will also come due. *Id.*

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

A review of Debtor's Schedules A/B and D shows that Debtor's significant assets, vehicles and real property, are over encumbered. Debtor has claimed exemptions in the remaining assets. Doc. 30. Because there is no equity to be realized for the benefit of the estate, dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

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

16. 26-10472-B-13 **IN RE: WILLIAM MARTINEZ**
LGT-2

MOTION TO DISMISS CASE
6-9-2026 [39]

LILIAN TSANG/MV
ARETE KOSTOPOULOS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to August 5, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

The trustee's motion to dismiss will be continued to August 5, 2026, at 9:30 a.m., to be heard in connection with the debtors' Motion to Confirm First Amended Plan. *See*, Docs. ##43-50; KLG-2.

17. 23-24174-B-13 **IN RE: MICHAEL/SUSAN MARASCO**
DPC-3

CONTINUED MOTION TO DISMISS CASE
3-13-2026 [203]

DAVID CUSICK/MV
TIMOTHY STEARNS/ATTY. FOR DBT.

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

DISPOSITION: Continued to August 5, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

This matter will be CONTINUED to August 5, 2026, at 9:30 a.m. to be heard in conjunction with Debtors' *Motion to Confirm Sixth Chapter 13 Plan* dated May 15, 2026. *See Item #18, below.*

18. 23-24174-B-13 **IN RE: MICHAEL/SUSAN MARASCO**
THS-10

MOTION TO MODIFY PLAN
5-15-2026 [216]

SUSAN MARASCO/MV
TIMOTHY STEARNS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to August 5, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Michael and Susan Marasco ("Debtors") move for an order confirming the *Sixth Modified Chapter 13 Plan* dated May 15, 2026. Docs. #216, #219. Debtor's current plan was confirmed on August 17, 2025. Doc. #119. The new plan proposes the following modifications:

1. Monthly plan payments will increase from $1,850.00 to $2,528.00.
2. Debtors propose to sell their home to pay off the existing mortgage and other debts. If the home does not sell at th4e price sought, Debtors will propose a short sale to satisfy the secured tax debts and an agreed-upon amount of the mortgage. The sale is to occur no later than November 30, 2026.
3. The dividend to Select Portfolio Servicing for the mortgage will increase to $1,510.01 (presumably until the home is sold).
4. Debtors will pay unsecured creditors 100% from the sale of the home or through the plan.

Doc. #219.

Chapter 13 trustee David Cusick ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. No supplemental Schedules I & J have been filed to support the motion.
2. The plan relies on a speculative sale of property. Debtor has provided no evidence, such as a declaration from the employed realtor, as to the likelihood of a sale in the proposed time frame.
3. The certificate of service accompanying the plan may not comply with LBR 3015-1(d)(2).
4. The Trustee shows Debtor had paid in a total of $46,418.23 through that date, with one payment of $754 posted on May 28, 2025, one payment of $1,850 posted on June 4, 2025, and an electronic payment of $1,850.00 scheduled for June 28, 2026. The Trustee believes the plan should call for payments of $47,172.32 through May 2026, then $1,850.00 monthly payments thereafter, with a lump sum by November 30, 2026.

Doc. #229.

This motion to confirm plan will be CONTINUED to **August 5, 2026, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or all objections to confirmation are withdrawn, the Debtors shall file and serve a written response to the objections no later than fourteen (14) days before the continued hearing date. The response shall specifically address each issue raised in the objection(s) to confirmation, state whether each issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than seven (7) days before the continued hearing date. If the Debtors do not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

19. 26-10477-B-13 **IN RE: RONNIE/TOWANA JOHNSON**
BRL-3

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR ADEQUATE PROTECTION
6-4-2026 [66]

VALERIE THOMPSON AND HELEN THOMPSON, TRUSTEES
DAVID JOHNSTON/ATTY. FOR DBT.
BENJAMIN LEVINSON/ATTY. FOR MV.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An order dismissing this case was already entered on July 2, 2026. Doc. #74. The motion will be DENIED AS MOOT.

As an informative matter, this matter would have been denied as the address for the U.S. Trustee as stated in Movant's notice is incorrect.

20. 25-10887-B-13 **IN RE: ERIC/REBECCA GRIMM**
JRL-6

MOTION TO MODIFY PLAN
6-2-2026 [113]

REBECCA GRIMM/MV
JERRY LOWE/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 motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the initials of the attorney for the moving party (e.g., first, middle, and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

Eric and Rebecca Grimm ("Debtors") filed a *Motion to Value Collateral* on July 15, 2025. Doc. #69. The court granted that motion on September 22, 2025. Doc. #93. The DCN for that motion was JRL-6. The DCN for this motion is also JRL-6, and, therefore, it does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

For the above reason(s), this motion will be DENIED WITHOUT PREJUDICE.

11:00 AM

1. 24-13719-B-7 **IN RE: B & B AGRI SERVICES INC.**
   GG-1

   PRE-TRIAL CONFERENCE RE: MOTION TO DISMISS CASE
   7-28-2025 [33]

   DINAH PARLAN/MV
   ROBERT WILLIAMS/ATTY. FOR DBT.
   ANERIO ALTMAN/ATTY. FOR MV.

NO RULING.

2. 25-11447-B-7 **IN RE: LONNIE/VERONICA GARDNER**
   25-1039 FW-4

   MOTION FOR ENTRY OF DEFAULT JUDGMENT
   6-10-2026 [167]

   MEDFORD CONSTRUCTION, INC. V. GARDNER ET AL
   PETER SAUER/ATTY. FOR MV.

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

DISPOSITION: Continued to July 29, 2026, at 11:00 a.m.

ORDER: The court will issue an order.

It is hereby ordered that this matter be CONTINUED to July 29, 2026, at 11:00 a.m.

3. 24-10060-B-13 **IN RE: JENNIFER GITMED**
   HDN-4

   CONTINUED PRE-TRIAL CONFERENCE RE: AMENDED OBJECTION TO CLAIM OF INTERNAL REVENUE SERVICE, CLAIM NUMBER 1
   7-26-2024 [84]

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

NO RULING.

4. 24-24267-B-7 **IN RE: RIKI TROWE**
25-2135 CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT
10-20-2025 [1]

FARRIS V. MARRON ET AL
J. CUNNINGHAM/ATTY. FOR PL.

NO RULING.

5. 26-10978-B-11 **IN RE: HRONIS, INC.**
26-1025 CAE-1

STATUS CONFERENCE RE: NOTICE OF REMOVAL
5-13-2026 [1]

CONTERRA AGRICULTURAL CAPITAL, LLC V. DLP FUNDING, LLC
BERNARD KORNBERG/ATTY. FOR PL.

NO RULING.

6. 25-13988-B-7 **IN RE: SAMUEL HONNOLD**
26-1008 CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT
3-6-2026 [1]

GROVER V. HONNOLD
JUSTIN HARRIS/ATTY. FOR PL.

NO RULING.