



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, July 9, 2025
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 (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 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. [25-11932](#)-A-11 **IN RE: 7TH PAR HOLDINGS, LLC**

ORDER TO SHOW CAUSE
6-17-2025 [[15](#)]

NO RULING.

11:00 AM

1. [25-11032](#)-A-7 **IN RE: ROBERTO CANELA-VILLANUEVA**

REAFFIRMATION AGREEMENT WITH MERCO CREDIT UNION
6-12-2025 [\[14\]](#)

JEFFREY ROWE/ATTY. FOR DBT.

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

DISPOSITION: Dropped.

ORDER: The court will issue an order.

The debtor's counsel shall notify the debtor that no appearance is necessary.

No hearing or order is required. The form of the reaffirmation agreement complies with 11 U.S.C. §524(c) and 524(k), and it was signed by the debtor's attorney with the appropriate attestations. Pursuant to 11 U.S.C. §524(d), the court need not approve the agreement.

2. [25-11477](#)-A-7 **IN RE: MARISELA GONZALEZ**

PRO SE REAFFIRMATION AGREEMENT WITH TD BANK, N.A.
6-19-2025 [\[17\]](#)

NO RULING.

1. 25-11502-A-7 **IN RE: ADRIANA ROJAS ORTIZ**
KEH-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-29-2025 [19]

BALBOA THRIFT AND LOAN/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
KEITH HERRON/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted pursuant to 11 U.S.C. § 362(d)(2) only.

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). 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). Therefore, the defaults of the above-mentioned parties in interest are entered. 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 with respect to relief pursuant to 11 U.S.C. § 362(d)(2) only.

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice include the names and addresses of persons who must be served with any opposition.

As a further procedural matter, the exhibits filed in connection with this motion do not comply with LBR 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. Here, the exhibit index was filed as single page with no actual exhibits attached, and the declaration was filed as a single document that included the movant's exhibits. E.g., Doc. ##22, 25. To comply with this court's Local Rules of Practice, the exhibits should have been attached to the exhibit index and numbered as required by LBR 9004-2(d)(3) instead of being attached to the declaration.

The court encourages counsel for the moving party to review the local rules to ensure compliance in future matters. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

The movant, Balboa Thrift & Loan ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2021 Hyundai Kona SE Sport Utility 4D, VIN: KM8K12AA2MU688148 ("Vehicle"). Doc. #19.

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 any equity in such property and such property is not necessary to an effective reorganization.

With respect to relief pursuant to 11 U.S.C. § 362(d)(1), the only pleading that shows the number of pre- and post-petition payments that are past due is the relief from stay summary sheet (Doc. #21), which clearly states that the document "is in the nature of a pretrial statement and is not evidence." Doc. #21. Because the declaration filed in support of the motion does not state the number of delinquent pre- and post-petition payments, Movant has provided insufficient evidence for the court to find that "cause" exists to grant relief from stay pursuant to 11 U.S.C. § 362(d)(1).

However, the court will grant relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(2). The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. The Vehicle is valued at \$14,331.00 and the debtor owes \$19,506.54. Decl. of Alan Horita, Doc. #25. According to the debtor's Statement of Intention, the Vehicle will be surrendered. Doc. #1.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(2) only to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) is ordered waived because the debtor has no equity in the Vehicle, the Vehicle is a depreciating asset, and the debtor intends to surrender the Vehicle to Movant.

2. [25-11707](#)-A-7 **IN RE: ALEC/REGINA GRANT**
[KTS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-12-2025 [\[19\]](#)

PARK GROVE CAPITAL PARTNERS, LLC/MV
CALVIN CLEMENTS/ATTY. FOR MV.

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.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will 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 a procedural matter, the exhibits filed in support of this motion were filed as separate documents and do not comply with LBR 9004-2(d)(2) and (d)(3). Doc. ##23-25. LBR 9004-2(d)(2) requires that exhibits be filed together as a

separate document with an index at the start of the document listing and identifying each exhibit individually by exhibit number/letter and stating the page number at which the exhibit is found within the exhibit document. LBR 9004-2(d)(3) requires that the exhibit document be consecutively numbered in the manner set forth in that Local Rule of Practice.

The court encourages counsel for the moving party to review the local rules to ensure compliance in future matters. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

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. #26. 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.

The movant, Park Grove Capital Partners, LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to proceed with an unlawful detainer action currently pending in Orange County Superior Court, Case No. 30-2025-01477509-CL-UD-CJC (the "Unlawful Detainer Action"), against debtor Alec Grant ("Debtor"). Doc. #19. The Unlawful Detainer Action is in reference to Debtor's occupancy of real property located at 9091 Central Ave. #3-C, Garden Grove, California 92844 ("Property"). Doc. #19.

Debtor and Regina Grant (together, "Debtors") filed this chapter 7 bankruptcy case on May 23, 2025. Doc. #1. Movant owns the Property. Decl. of Anita Arias, Doc. #21. On November 6, 2023, Movant entered into a written residential lease agreement with non-debtor tenants ("Defendants"). Arias Decl., Doc. #21; Ex. 1, Doc. #23. Pre-petition, on April 23, 2025, Movant filed the Unlawful Detainer Action against Defendants after Defendants failed to pay rent from January 2025 and thereafter. Arias Decl., Doc. #21; Ex. 3, Doc. #25. On April 30, 2025, Debtor filed an answer to the Unlawful Detainer Action and a Prejudgment Claim of Right to Possession to be added to the Unlawful Detainer Action. Arias Decl., Doc. #21. Movant received notice of Debtors' bankruptcy case on May 28, 2025. Id.

11 U.S.C. § 362(d)(1) ANALYSIS

11 U.S.C. § 362(d)(1) allows the court to grant relief from the automatic 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 prays 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. In re Kronemyer, 405 B.R. 915, 921 (9th Cir. B.A.P. 2009). "[T]he Curtis factors are appropriate, nonexclusive, factors to consider in determining 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).

Here, granting Movant's relief from the automatic stay will allow Movant to continue the Unlawful Detainer Action against Debtor in state court, which will

allow the issue of possession of the Property to be adjudicated on its merits. Further, the interests of judicial economy favor granting relief from the automatic stay so that Movant can regain possession of the Property. Finally, permitting Movant to pursue a judgment in state court will not prejudice the interests of Debtors as Debtor has no legal right to occupy the Property either through ownership or a lease agreement. Arias Decl., Doc. #21. Debtors will suffer no legally cognizable harm by being forced to resolve the Unlawful Detainer Action in state court.

For these reasons, the court finds that cause exists to lift the stay pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to proceed with the Unlawful Detainer Action in state court and enforce any resulting judgment.

11 U.S.C. § 362(d)(2) ANALYSIS

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

Here, the court finds that the Property is not necessary to an effective reorganization because Debtors are in chapter 7. The court also finds that Debtors do not own the Property, have no legal right to occupy the Property through a lease agreement, and do not have any equity in the Property.

For these reasons, the court finds that cause exists to lift the stay pursuant to 11 U.S.C. § 362(d)(2).

CONCLUSION

Accordingly, pending opposition being raised at the hearing, the court is inclined to grant the motion pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to proceed under applicable nonbankruptcy law to prosecute the Unlawful Detainer Action in state court and to enforce any resulting judgment for unlawful detainer, including all necessary steps to obtain possession of the Property from Debtors. No other relief is awarded.

Because Debtors have no legal right to occupy the Property either through ownership or a lease agreement the 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived.

3. [25-11222](#)-A-7 **IN RE: SOCORRO RAMIREZ**
[PBB-1](#)

MOTION TO AVOID LIEN OF CAVALRY SPV I, LLC
6-5-2025 [\[16\]](#)

SOCORRO RAMIREZ/MV
PETER BUNTING/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.

Socorro Ramirez ("Debtor"), the debtor in this chapter 7 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 Cavalry SPV I, LLC ("Creditor") on the residential real property commonly referred to as 20917 South Grantland Avenue, Riverdale, California 93656 (the "Property"). Doc. #16; Schedules C & D, Doc. #1.

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)).

Debtor filed her bankruptcy petition on April 15, 2025. Doc. #1. A judgment was entered against Debtor in the amount of \$3,638.33 in favor of Creditor on August 26, 2020. Ex. D, Doc. #19. The abstract of judgment was recorded pre-petition in Fresno County on October 13, 2021, as document number 2021-0170992. Ex. D, Doc. #19. The lien attached to Debtor's interest in the Property located in Fresno County. Id. The Property also is encumbered by a deed of trust in favor of Carrington Mortgage Services in the amount \$41,598.00. Schedule D, Doc. #1. Debtor claimed an exemption of \$348,000.00 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 \$241,100.00. Schedule A/B, Doc. #1.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$3,638.33
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$41,598.00
Amount of Debtor's claim of exemption in the Property	+	\$348,000.00
		\$393,236.33
Value of Debtor's interest in the Property absent liens	-	\$241,100.00
Amount Creditor's lien impairs Debtor's exemption		\$152,136.33

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.

4. [25-10832](#)-A-7 **IN RE: FERNANDO LUGO CERVANTES**
[MML-2](#)

AMENDED MOTION FOR RELIEF FROM AUTOMATIC STAY
5-30-2025 [\[37\]](#)

MARIANO CARRANZA/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
STAN MALLISON/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for improper notice.

On May 27, 2025, the movant filed a motion for relief from the automatic stay that included a notice of hearing setting this matter for hearing on July 9, 2025 at 1:30 p.m. Doc. #30. While the initial notice of hearing incorrectly stated that the courthouse was located in Sacramento, California, not Fresno, California and failed to include any information regarding how parties opposing the motion were to provide such opposition to the court as required by Local Rule of Practice ("LBR") 9014-1(f) (Doc. #30), a subsequent renewed notice of hearing provided the correct location of the courthouse and information regarding how to oppose the motion. Doc. #31.

However, on May 30, 2025, the movant filed and served an amended notice of motion and renewed motion for relief from the automatic stay that:
(i) improperly stated that the courthouse where the hearing was to be held was located in Sacramento, California, not Fresno, California; (ii) did not include any information regarding how parties opposing the motion were to provide such opposition to the court as required by LBR 9014-1(f); and (iii) did not include a separate motion filed setting forth with particularity the factual and legal grounds for that relief as required by LBR 9014-1(d)(3)(A). Doc. #37. Because the court determines that the amended notice of motion and renewed motion for relief from the automatic stay filed and served on May 30, 2025 (Doc. #37) governs notice of this motion as opposed to the renewed notice of hearing filed and served on May 27, 2025 (Doc. #31), the court determines that notice of this motion is improper.

As a further procedural matter, all notice of hearings filed in connection with this motion do 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.

As a further procedural matter, the motion does not comply with LBR 9004-2(c)(1) which require motions, notices, objections, responses, replies, declarations, affidavits, other documentary evidence, exhibits, memoranda of points and authorities, other supporting documents, proofs of service, and related pleadings to be filed as separate documents.

//

The court encourages counsel for the moving party to review the local rules to ensure compliance in future matters. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

5. [25-11734](#)-A-7 **IN RE: COLE GARRETT AND EVA MORSE**
[KTS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-12-2025 [\[20\]](#)

580 ANTON OWNER LLC/MV
CALVIN CLEMENTS/ATTY. FOR MV.
DISMISSED 06/26/2025

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 entered on June 26, 2025. Doc. #29.
Therefore, this motion is DENIED AS MOOT.

6. [25-11649](#)-A-7 **IN RE: DAVID LOPEZ**
[BDB-1](#)

MOTION TO COMPEL ABANDONMENT
6-23-2025 [\[16\]](#)

DAVID LOPEZ/MV
BENNY BARCO/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether a further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

David Senorino Lopez ("Debtor"), the chapter 7 debtor in this case, moves the court to compel the chapter 7 trustee to abandon the estate's interest in Debtor's barber business, including equipment and assets used in that business consisting of a chair, clippers, shaver, ring light, gel and aftershave, and razors (collectively, the "Property"). Doc. #16. Debtor asserts there is minimal non-exempt equity in the Property, and the Property therefore has no value to the bankruptcy estate. Id.

11 U.S.C. § 554(b) permits the court, on request of a party in interest and after notice and a hearing, to order the trustee to abandon property that is burdensome to the estate or of inconsequential value and benefit to the estate. Vu v. Kendall (In re Vu), 245 B.R. 644, 647 (B.A.P. 9th Cir. 2000). To grant a motion to abandon property, the bankruptcy court must find either that the property is (1) burdensome to the estate or (2) of inconsequential value and inconsequential benefit to the estate. Id. (citing Morgan v. K.C. Mach. & Tool Co. (In re K.C. Mach. & Tool Co.), 816 F.2d 238, 245 (6th Cir. 1987)). However, "an order compelling abandonment [under § 554(b)] is the exception, not the rule. Abandonment should only be compelled in order to help the creditors by assuring some benefit in the administration of each asset. . . . Absent an attempt by the trustee to churn property worthless to the estate just to increase fees, abandonment should rarely be ordered." Id. (quoting K.C. Mach. & Tool Co., 816 F.2d at 246).

Here, Debtor does not allege that the Property is burdensome to the estate. Motion, Doc. #16. Therefore, Debtor must establish that the Property is of inconsequential value and benefit to the estate. 11 U.S.C. § 554(b); Vu, 245 B.R. at 647. Debtor's Property is valued at \$1,200.00 and is not encumbered by any lien. Am. Schedule A/B, Doc. #12; Schedule D, Doc. #1. Under California Civil Procedure Code § 704.060, Debtor claims a \$1,200.00 exemption in the Property. Am. Schedule C, Doc. #12; Decl. of David S. Lopez, Doc. #18. Further, the only non-exempt asset is the goodwill of the business, which Debtor believes has no value because Debtor has no employees, and Debtor's business is completed entirely by Debtor's manual labor. Doc. #16. The court finds that Debtor has his burden of establishing by a preponderance of the evidence that the Property is of inconsequential value and benefit to the estate.

Accordingly, pending opposition being raised at the hearing, this motion will be GRANTED. The order shall specifically identify the property abandoned.

7. [25-11450](#)-A-7 **IN RE: CRISTIAN ZAVALA**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-6-2025 [\[14\]](#)

TOYOTA MOTOR CREDIT CORPORATION/MV
RAJ WADHWANI/ATTY. FOR DBT.
KIRSTEN MARTINEZ/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 movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Toyota Motor Credit Corporation ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2017 Ford Escape, VIN: 1FMCU0G94HUC81662 ("Vehicle"). Doc. #14.

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 any 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 the debtor has failed to make at least eight complete pre-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$2,566.16. Decl. of Debra Knight, Doc. #16. According to the debtor's Statement of Intention, the Vehicle will be surrendered. Doc. #1.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. The Vehicle is valued at \$9,300.00 and the debtor owes \$15,203.61. Knight Decl., Doc. #16.

Accordingly, the motion is be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

8. [21-10856-A-7](#) **IN RE: MARK/AMELIA CAVE**
[SL-10](#)

MOTION TO COMPEL ABANDONMENT
6-2-2025 [[188](#)]

AMELIA CAVE/MV
SCOTT LYONS/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 is DENIED WITHOUT PREJUDICE for failure to comply with this court's local rules.

The certificate of service showing that the motion and supporting documents were served on all parties in interest (Doc. #191) does not comply with Local Rule of Practice 9004-1(c), which requires that all affidavits and certifications shall be signed by the person offering the evidentiary material

contained in the document. Here, the name of the person signing the certificate of service was typed on the Certificate of Service Form, but the Certificate of Service Form is not signed. Because a signed certificate of service was not filed, this court cannot confirm that notice of the motion was proper. Therefore, this motion is denied without prejudice.

9. [23-12163](#)-A-7 **IN RE: THRIVE SPORTS INC.**
[FW-4](#)

OBJECTION TO CLAIM OF TUCOEMAS FEDERAL CREDIT UNION, CLAIM NUMBER 5
5-14-2025 [\[35\]](#)

PETER FEAR/MV
IRMA EDMONDS/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

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

This objection was set for hearing on at least 44 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the claimant, 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 3007-1(b)(1)(A) may be deemed a waiver of any opposition to the sustaining of the objection. 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.

Peter L. Fear ("Trustee"), the chapter 7 trustee in the bankruptcy case of Thrive Sports, Inc. ("Debtor"), objects to claim no. 5 (the "Claim") filed by Tucoemas Federal Credit Union (the "Claimant") on the grounds that the Claim does not provide sufficient evidence that demonstrates Debtor is liable for this debt. Tr.'s Obj., Doc. #35. Trustee requests that the Claim be disallowed in its entirety. Id.

Federal Rule of Bankruptcy Procedure 3001(f) provides that "[a] proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." 11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof of claim filed under § 501, is deemed allowed unless a party in interest objects. The party objecting to a presumptively valid claim has the burden of presenting evidence to overcome the prima facie showing made by the proof of claim. In re Medina, 205 B.R. 216, 222 (B.A.P. 9th Cir. 1996). The objecting party must provide "sufficient evidence and 'show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves.'" Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (quoting In re Holm, 931 F.2d 620, 623 (9th Cir. 1991)). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden

reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." Id. (quoting Ashford v. Consol. Pioneer. Mortg. (In re Consol. Pioneer Mortg.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995)).

The Claim asserts an unsecured claim of \$7,789.08 stemming from the purchase of a vehicle. Claim 5. The Claim has multiple documents attached to demonstrate the Claim is a deficiency balance remaining after a repossessed vehicle was sold. Id.; Decl. of Gabriel J. Waddell, Doc. #37. The documents show that the loan was incurred by Mohamed Aydibi as an individual. Claim 5. When the repossessed vehicle sold, Claimant sent notice to Mr. Aydibi as an individual. Id. Other than showing "Thrive Sports" as the name of Mr. Aydibi's employer, Debtor is not referenced in any of these documents. Id.

Trustee contends that Debtor is not a signatory of the loan documents or a purchaser on the contract and therefore is not liable on this debt. Decl. of Peter L. Fear, Doc. #38. Trustee has sent a letter to the name and address listed on Claimant's Poof of Claim, requesting that Claimant provide documentation showing that this Claim is owed by Debtor. Id. Claimant has not responded. Id. Having reviewed the Claim and Trustee's objection, the court finds that Trustee has rebutted the prima facie showing made by the Claim.

Accordingly, Trustee's objection is SUSTAINED.

10. [23-12163](#)-A-7 **IN RE: THRIVE SPORTS INC.**
[FW-5](#)

OBJECTION TO CLAIM OF TUCOEMAS FEDERAL CREDIT UNION, CLAIM NUMBER 6
5-14-2025 [\[42\]](#)

PETER FEAR/MV
IRMA EDMONDS/ATTY. FOR DBT.
GABRIEL WADDELL/ATTY. FOR MV.

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

DISPOSITION: Sustained.

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

This objection was set for hearing on at least 44 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of the claimant, 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 3007-1(b)(1)(A) may be deemed a waiver of any opposition to the sustaining of the objection. 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.

Peter L. Fear ("Trustee"), the chapter 7 trustee in the bankruptcy case of Thrive Sports, Inc. ("Debtor"), objects to claim no. 6 (the "Claim") filed by

Tucoemas Federal Credit Union (the "Claimant") on the grounds that the Claim does not provide sufficient evidence that demonstrates Debtor is liable for this debt. Tr.'s Obj., Doc. #42. Trustee requests that the Claim be disallowed in its entirety. Id.

Federal Rule of Bankruptcy Procedure 3001(f) provides that "[a] proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." 11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof of claim filed under § 501, is deemed allowed unless a party in interest objects. The party objecting to a presumptively valid claim has the burden of presenting evidence to overcome the prima facie showing made by the proof of claim. In re Medina, 205 B.R. 216, 222 (B.A.P. 9th Cir. 1996). The objecting party must provide "sufficient evidence and 'show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves.'" Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (quoting In re Holm, 931 F.2d 620, 623 (9th Cir. 1991)). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." Id. (quoting Ashford v. Consol. Pioneer. Mortg. (In re Consol. Pioneer Mortg.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995)).

The Claim asserts an unsecured claim of \$18,668.70 stemming from a Visa credit card. Claim 6. The Claim has multiple documents attached to support Claimant's Claim. Id.; Decl. of Gabriel J. Waddell, Doc. #44. The documents show that the applicant of the Visa credit card is Mohamed Aydibi as an individual. Claim 6. There is no reference on the application to Debtor or any variant thereof, and no application or signature on behalf of Debtor. Id. Lastly, the final attachment of the Claim titled "collection information" states the obligor is Mr. Aydibi and does not reference Debtor. Id.

Trustee contends that Debtor did not sign the credit card application and therefore is not liable on the debt that underlies the Claim. Decl. of Peter L. Fear, Doc. #45. Trustee has sent a letter to the name and address listed on Claimant's Proof of Claim, requesting that Claimant provide documentation showing that this Claim is owed by Debtor. Id. Claimant has not responded. Id. Having reviewed the Claim and Trustee's objection, the court finds that Trustee has rebutted the prima facie showing made by the Claim.

Accordingly, Trustee's objection is SUSTAINED.

11. [25-11570](#)-A-7 **IN RE: SCOTTY PEREIRA**
[DCJ-3](#)

MOTION TO VACATE DISMISSAL OF CASE
6-17-2025 [\[37\]](#)

SCOTTY PEREIRA/MV
DAVID JOHNSTON/ATTY. FOR DBT.
DISMISSED 06/12/2025

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 court will issue an order after the hearing.

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether a further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Scotty Silva Pereira ("Debtor") moves the court to vacate the order dismissing Debtor's chapter 7 case. Doc. #37. Debtor's bankruptcy case was dismissed on June 12, 2025 after failing to file documents timely. Doc. #30.

Debtor filed his chapter 7 bankruptcy petition on May 14, 2025. Doc. #1. Debtor previously received a Notice of Incomplete Filing and Intent to Dismiss Case on May 15, 2025 requiring Debtor to file various documents and schedules. Doc. #8. On May 28, 2025, Debtor timely filed an application to extend the deadline to file the required case documents to June 11, 2025. Doc. #17. On May 29, 2025, the court entered an order granting the extension to file the schedules to June 11, 2025. Order, Doc. #24. On June 12, 2025, the court dismissed Debtor's chapter 7 case upon Debtor's failure to timely file the documents required by the order granting the extension. Doc. #30. Debtor filed the required schedules and documents on June 13, 2025. Doc. ##31-34.

Debtor moves under Federal Rule of Civil Procedure ("Rule") 60(b), incorporated to this proceeding by Federal Rule of Bankruptcy Procedure 9024, to vacate the dismissal of his bankruptcy case. Rule 60(b)(1) permits the court to grant relief from a final order for, *inter alia*, mistake, inadvertence, surprise, excusable neglect, or any other reason that justifies relief. Rule 60(b)(1); Doc. #37. A motion to reconsider an order is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." Kona Enters. v. Estate of Bishop, 299 F.3d 877, 890 (9th Cir. 2000); see also Berman v. Freedom Fin. Network, LLC, 30 F.4th 849 (9th Cir. 2022) (applying the standard to Rule 60(b)).

The court is inclined to grant Debtor's motion and vacate the dismissal under Rule 60(b)(1). Debtor asserts that the delay in filing the documents was solely the result of a mistake on the part of Debtor's counsel, David C. Johnston. Doc. #30. Mr. Johnston asserts he mistakenly calendared the deadline to file the missing documents as June 13, 2025, instead of June 11, 2025. Decl. of David C. Johnston, Doc. #39. Based upon this mistaken belief, Debtor's required missing documents, including an amended verification and master address list, schedules A through J, and statement on intention, were filed on June 13, 2025. Doc. ##31-34; Johnston Decl., Doc. #39. Mr. Johnston asserts that he is a sole practitioner without support staff to catch mistakes in his calendar. Johnston Decl., Doc. #39. Debtor promptly filed and served this motion to vacate the dismissal of Debtor's chapter 7 bankruptcy case on June 17, 2025. Doc. ##37-40.

Debtor asserts there has been no prejudice to creditors because the 341 meeting of creditors has not taken place and no creditors had filed any claims prior to the dismissal of Debtor's bankruptcy case. Doc. #37. If the dismissal is vacated, this will be an asset case based on approximately \$170,000.00 equity in real property that is not Debtor's home as well as other assets, including rent receivable from a tenant in the amount of \$50,000.00, so creditors will benefit if the case proceeds. Johnston Decl., Doc. #39.

The court finds that refusing to vacate the dismissal order would be highly prejudicial to creditors of the estate. In addition, the court finds that the length of delay between dismissal and Debtor's request to vacate dismissal is minimal and Debtor has acted in good faith. The court finds that Debtor has established grounds for relief under Rule 60(b)(1).

Accordingly, pending opposition being raised at the hearing, this motion will be GRANTED. The order entered on June 12, 2025 (Doc. #30) dismissing Debtor's bankruptcy case will be VACATED without prejudice to any actions taken by creditors in reliance on the dismissal order.

12. [24-13371](#)-A-7 **IN RE: RICARDO/INDIRA TREVINO**
[MML-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-10-2025 [\[20\]](#)

CLAUDIA GONZALEZ MONDRAGON/MV
PETER BUNTING/ATTY. FOR DBT.
STAN MALLISON/ATTY. FOR MV.
DISCHARGED 03/10/2025

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

DISPOSITION: Granted in part and denied as moot in part.

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

As a procedural matter, the exhibits filed in support of this motion were filed as separate documents and do not comply with LBR 9004-2(d)(2) and (d)(3). Doc. ##24-25. LBR 9004-2(d)(2) requires that exhibits be filed together as a separate document with an index at the start of the document listing and identifying each exhibit individually by exhibit number/letter and stating the page number at which the exhibit is found within the exhibit document. LBR 9004-2(d)(3) requires that the exhibit document be consecutively numbered in the manner set forth in that Local Rule of Practice.

As a further procedural matter, the certificate of service (Doc. #28) does not comply with LBR 9014-1(c) because the certificate of service was not filed with the appropriate DCN (MML-1) related to this motion. "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).

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 for the moving party to review the local rules to ensure compliance in future matters. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

The motion will be GRANTED IN PART as to the trustee's interest and DENIED AS MOOT IN PART as to the debtors' interest pursuant to 11 U.S.C. § 362(c)(2)(C). The debtors' discharge was entered on March 10, 2025. Doc. #18. The motion will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

Claudia Gonzalez Mondragon, Gustavo Gusman, and Alan Reyes (collectively, "Movants") seek relief from the automatic stay under 11 U.S.C. § 362(d)(1) to liquidate Movants' claims against debtor Ricardo Trevino ("Debtor") in litigation pending in federal district court. Am. Motion, Doc. #20.

Debtor and Indira Judith Trevino (together, "Debtors") filed this chapter 7 bankruptcy case on November 21, 2024. Doc. #1. Debtors' bankruptcy case is an asset bankruptcy case. Doc. #14. On April 24, 2025, Movants each filed a proof of claim in Debtors' bankruptcy case. Claims 15-17.

According to the memorandum of points and authorities ("MPA") filed in connection with this motion, pre-petition, on or about October 3, 2022, Movants filed their initial complaint in the Eastern District of California as Claudia Gonzalez Mondragon, Gustavo Gusman, Alan Reyes, et. al., v. R T Farm Labor, Inc., Ricardo Trevino Jr., Ricardo Gomez Trevino, et. al. (E.D. Cal. 2022), Case No. 1:22cv-01259-JLT-BAM ("District Court Action"). MPA, Doc. #26. The District Court Action was filed as a class action on behalf of several hundred agricultural workers against Debtor and other named defendants for violations including failure to pay wages, failure to pay overtime, and failure to provide lawful meal and rest periods. Ex. 1, Doc. #24; Decl. of Gonzalo Quezada Jr., Doc. #23; MPA, Doc. #26.

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).

Here, granting Movants' relief from the automatic stay will allow Movants to proceed with litigation against Debtor and other named defendants, which will likely result in the liquidation of Movants' claims against Debtor. MPA, Doc. #26. Movants contend that Debtors will suffer no legally cognizable harm by requiring Debtors to liquidate Movants' claims in the District Court Action. Id. Further, Movants believe the interests of judicial economy favor granting

relief from the automatic stay because the district court has expertise in wage and hour claims, labor violations, and appropriate remedies. Id. Finally, Movants are prepared to set the District Court Action for trial and believe granting Movant's motion for relief from the stay will allow Movants to liquidate their claims in the District Court Action in a timely manner. Id. Because Debtors' bankruptcy case is an asset case and Movants have filed proofs of claim in Debtors' bankruptcy case, permitting the liquidation of Movants' claims in the District Court Action will further the administration of this bankruptcy case. Moreover, the chapter 7 trustee has not opposed the motion.

For these reasons, the court finds that cause exists to lift the stay to permit Movants to proceed with the District Court Action to liquidate Movants' claims against Debtors.

Accordingly, the motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movants to proceed in the district court with the District Court Action to final judgment, including any appeals, in accordance with applicable nonbankruptcy law, but not to collect from property of Debtors or Debtors' bankruptcy estate. No other relief is awarded.