



**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable René Lastreto II**  
**Department B – Courtroom #13**  
**Fresno, California**  
**Hearing Date: Wednesday, July 9, 2025**

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. [22-11303](#)-B-13     **IN RE: NICOLE GUERRA**  
[LGT-1](#)

MOTION TO DISMISS CASE  
6-6-2025    [[65](#)]

LILIAN TSANG/MV  
JERRY LOWE/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 7, 2025. Doc. #71. Accordingly, this matter will be taken off calendar pursuant to the trustee's withdrawal.

2. [25-10311](#)-B-13     **IN RE: MALERY HERNANDEZ**  
[BDB-2](#)

CONTINUED MOTION TO CONFIRM PLAN  
5-7-2025    [[46](#)]

MALERY HERNANDEZ/MV  
BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION:     Denied as moot.

ORDER:             The court will issue an order.

On July 2, 2025, the Debtor filed her *Second Modified Chapter 13 Plan* and a motion to confirm same. Accordingly, this motion to confirm Debtor's First Modified Chapter 13 Plan dated May 7, 2025, (Doc. #46) is DENIED AS MOOT.

3. [25-12013](#)-B-13     **IN RE: JASON/DANIELLE PETERSON**  
[SL-1](#)

MOTION TO EXTEND AUTOMATIC STAY  
6-20-2025    [\[8\]](#)

DANIELLE PETERSON/MV  
SCOTT LYONS/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.

Jason and Danielle Peterson ("Debtor") request an order extending the automatic stay under 11 U.S.C. § 362(c) (3). Doc. #8.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f) (2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will 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.

Under 11 U.S.C. § 362(c) (3) (A), if the debtor has had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay under subsection (a) shall terminate with respect to the debtor on the 30th day after the latter case is filed.

This Debtor's cases within the last year are as follows:

<b>Docket</b>	<b>Filed</b>	<b>Dismissed</b>	<b>Reason for dismissal</b>
23-11411	6/30/23	4/17/24	Failure to make plan payments
25-12013	6/17/25	Pending	The current case.

The automatic stay in the current case will expire on July 17, 2025.

11 U.S.C. § 362(c) (3) (B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor demonstrates that the filing of the latter case is in good faith as to the creditors to be stayed. Such request must be made within 30 days of the petition date.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.' Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition.'" *Emmert v. Taggart (In re Taggart)*, 548 B.R. 275, 288, n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by *Taggart v. Lorenzen*, 139 S. Ct. 1785 (2019)).

In this case, the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith as to all creditors because Debtor has more than one previous case under chapter 13 that was pending within the preceding one-year period and Debtor failed to perform the terms of a confirmed plan. § 362(c)(3)(C)(i)(I), (c)(3)(C)(i)(II)(cc).

Mrs. Peterson declares that the previous case was dismissed because they fell behind in plan payments due to increased childcare costs, unexpected expenses due to emergency dental work, and the general cost of living for new parents increasing to more than their pay could cover. Doc. #10.

The *Chapter 13 Plan* dated June 17, 2025, provides for 60 monthly payments of \$2,000.00 with a 100% dividend to unsecured claims. Doc. #3. Debtor's *Schedules I and J* indicate that Debtors receive \$10,479.06 in combined monthly income, and, after expenses are deducted, they receive \$3,483.06 in monthly net income, which is sufficient for Debtors to afford the proposed plan payment. Doc. #1.

In contrast to the previous case, Debtors' Schedule I and J reflected only \$2,817.91 in monthly net income, so Debtors 'financial condition has materially changed since the last case was filed.' See Bankr. Case No. 23-11411, Doc. #1.

Based on the moving papers and the record, the presumption appears to have been rebutted by clear and convincing evidence because Debtors' financial condition and circumstances have materially changed. The petition appears to have been filed in good faith and the proposed plan does appear to be feasible.

This matter will be called and proceed as scheduled. In the absence of opposition at the hearing, this motion may be GRANTED. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2).

4. [23-11116](#)-B-13     **IN RE: HUMBERTO/NANCY VIDALES**  
[TCS-8](#)

CONTINUED MOTION TO MODIFY PLAN  
4-29-2025    [[132](#)]

NANCY VIDALES/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

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

ORDER:             The court will prepare the order.

This matter is hereby CONTINUED to July 30, 2025, at 9:30 a.m. to be heard in conjunction with Debtors' *Objection to Claim No. 12-1 (Wells Fargo)*. Doc. #145.

5. [25-10925](#)-B-13     **IN RE: JORGE GONZALEZ AND NANCY RAMIREZ**  
[JRL-1](#)

CONTINUED MOTION TO CONFIRM PLAN  
5-18-2025    [[23](#)]

NANCY RAMIREZ/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 was originally heard on June 11, 2025. Doc. #61.

Jorge Gonzalez and Nancy Ramirez ("Debtors") move for an order confirming the First Modified Chapter 13 Plan dated May 18, 2025. Doc. #23. No plan has been confirmed so far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The plan provides for payments to creditors for longer than five years. The plan payments must be increased to at least \$6,682.55 per month to fund.
2. The plan misclassifies the claim of Aqua Finance, Inc. as a Class 4 Claim when it should be a Class 2 Claim.

Doc. #53. On June 5, 2025, the Trustee filed a Supplemental Document advising that Objection #2 was resolved but not Objection #1. Doc.

#41. The Supplemental Document also raises an additional basis for objection:

3. The plan provides for Roundpoint Mortgage Servicing ("Roundpoint") to be treated as a Class 4 claim, but the Proof of Claim filed by Roundpoint's service lists a prepetition mortgage arrearage. Accordingly, Roundpoint must be treated as a Class 1 creditor

Doc. #59.

The court continued this motion to July 9, 2025. Debtors were directed to file and serve a written response to Trustee's objection not later than two weeks before the hearing date or file a confirmable, modified plan in lieu of a response not later than one week before the hearing date, or the objection would be sustained and the motion denied on the grounds stated in the objections without further hearing. Doc. #59.

On June 12, 2025, the Debtors filed a *Motion to Confirm* their Second Modified Chapter 13 Plan. Doc. #46. However, Debtors did not file a new plan with the motion, which Debtors later withdrew on June 26, 2025. Doc. #51. Thus, the court must address the First Amended Plan.

The court continued this motion to July 9, 2025. Debtors were directed to file and serve a written response to Trustee's objection not later than two weeks before the hearing date or file a confirmable, modified plan in lieu of a response not later than one week before the hearing date, or the objection would be sustained and the motion denied on the grounds stated in the objections without further hearing. Doc. #59.

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

6. [21-11540](#)-B-13     **IN RE: TOM/HELEN EVANS**  
[PBB-1](#)

MOTION TO MODIFY PLAN  
6-4-2025    [\[33\]](#)

HELEN EVANS/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.

Tom and Helen Evans ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated June 4, 2025. Docs. #33, #38. Debtors' current plan was confirmed on July 26, 2021. Doc. #27.

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 to shorten its life from 54 months to 49 months. Doc. #33. Debtors aver that this modification is necessary because of an adverse change in income owing to Mr. Evans recent retirement, as evidenced by the Declarations and Exhibits accompanying the motion. *Id.*; Docs. ##35-37. Mr. Evans declares that Debtors have been in bankruptcy for 47 months as of June 2025 and have tendered \$31,000.00 in plan payments. Doc. #36. Debtors note that the Official Form 122C-1 "means test" required at least 36 months, which has been accomplished. Docs. #1, #36. A comparison of Debtors' Amended Schedule I & J dated June 4, 2025, and the previous I & J dated August 30, 2022, reflects a reduction in income of roughly \$500.00 per month. Docs. #24, #32. Debtors declare that they have completed all Class 2 claims and all attorney's fees. Doc. #36. Debtors estimate that the balance owed to unsecured priority creditors (estimated at \$10,332.23) will be paid off by month 49. *Id.*

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED.

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

7. [25-10871](#)-B-13     **IN RE: LUIS OLIVEIRA**  
[RAS-2](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DEUTSCHE BANK  
NATIONAL TRUST COMPANY  
5-15-2025    [[22](#)]

DEUTSCHE BANK NATIONAL TRUST COMPANY/MV  
DAVID JOHNSTON/ATTY. FOR DBT.  
DAVID COATS/ATTY. FOR MV.

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

DISPOSITION:     Overruled as moot.

No order is required.

On June 24, 2025, the court entered an order dismissing this case.  
Accordingly, this motion is OVERRULED AS MOOT.

8. [25-10887](#)-B-13     **IN RE: ERIC/REBECCA GRIMM**  
[JRL-2](#)

MOTION TO VALUE COLLATERAL OF NUVISION FEDERAL CREDIT UNION  
5-30-2025    [[29](#)]

REBECCA GRIMM/MV  
JERRY LOWE/ATTY. FOR DBT.  
WITHDRAWN 6/26/25

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

DISPOSITION:     Withdrawn.

No order is required.

On June 26, 2025, Debtors withdrew this *Motion to Value Collateral of Nuvision Federal Credit Union*. Doc. #50. Accordingly, this motion is WITHDRAWN.

9. [25-10887](#)-B-13     **IN RE: ERIC/REBECCA GRIMM**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
5-1-2025    [\[13\]](#)

LILIAN TSANG/MV  
JERRY LOWE/ATTY. FOR DBT.

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

DISPOSITION:     Sustained.

ORDER:             The court will issue an order.

This motion was originally heard on May 21, 2025. Doc. #26.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the Chapter 13 Plan filed by Eric and Rebecca Grimm (collectively "Debtors") on March 22, 2025, on the following basis:

1. Debtors have not filed a motion to value the collateral of either Nuvision Federal Credit Union ("Nuvision") nor Sunnova Energy International ("Sunnova"), both of which are listed as a Class 2 claim and for which the plan proposes to pay the value of the collateral.
2. Debtors' 341 Meeting of Creditors has not been concluded. Trustee received Debtors' financial documents on April 25, 2025, and was unable to review them prior to the April 28, 2025, hearing date. The 341 meeting has been continued to May 27, 2025. The Trustee may supplement this Objection.

Doc. #13. On May 12, 2025, Debtors filed a Motion to Value Collateral of Sunnova, which the court later denied without prejudice. Docs. #16, #35. On May 30, 2025, Debtors filed a Motion to Value Collateral of Nuvision, but on June 26, 2025, Debtors withdrew that motion. Docs. #29, #50, #54. From the docket, it appears that Objection #2 was resolved when Debtors appeared at the continued 341 meeting. *Docket generally.*

The court originally continued this motion to June 25, 2025, and later continued it again to July 9, 2025, to be heard in conjunction with the Nuvision valuation motion prior to its withdrawal. Docs. #26, 42. Debtors were directed to file and serve a written response to Trustee's objection not later than two weeks before the hearing date or file a confirmable, modified plan in lieu of a response not later than one week before the hearing date, or the objection would be sustained and the motion denied on the grounds stated in the objections without further hearing. Doc. #26.

On June 12, 2025, the Debtors filed a *Motion to Confirm* their Second Modified Chapter 13 Plan. Doc. #46. However, Debtors did not file a

new plan with the motion, which Debtors later withdrew on June 26, 2025. Doc. #51. Thus, the court must address the First Amended Plan.

Debtors neither filed a written response to the objections nor a modified plan. Therefore, Trustee's objection will be SUSTAINED on the grounds stated.

10. [25-11090](#)-B-13     **IN RE: SHAYLA NORWOOD**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
5-16-2025     [\[13\]](#)

LILIAN TSANG/MV  
RABIN POURNAZARIAN/ATTY. FOR DBT.

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

DISPOSITION:     Overruled as moot.

ORDER:     The court will prepare the order.

On June 9, 2025, the Debtor filed a *First Modified Chapter 13 Plan*. Doc. #26. Accordingly, this Objection to the *Chapter 13 Plan* dated April 4, 2025, is OVERRULED as moot.

11:00 AM

1. [21-12407](#)-B-13     **IN RE: MANUELA BETTENCOURT**  
[24-1049](#)     [KAO-1](#)

MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS  
6-16-2025     [[38](#)]

BETTENCOURT V. NATIONAL COLLEGIATE STUDENT LOAN TRUST  
KENNETH OHASHI/ATTY. FOR MV.  
RESPONSIVE PLEADING

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

DISPOSITION:     Withdrawn.

No order is required.

On June 26, 2026, National Collegiate Student Loan Trust withdrew this *Motion for Partial Judgment on the Pleadings*. Doc. #45 Accordingly, this motion is WITHDRAWN.

2. [23-10457](#)-B-11     **IN RE: MADERA COMMUNITY HOSPITAL**  
[23-1024](#)

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT  
5-11-2023     [[1](#)]

RUBIO V. MADERA COMMUNITY HOSPITAL  
EILEEN GOLDSMITH/ATTY. FOR PL.

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

DISPOSITION:     Continued to September 11, 2025, at 11:00 a.m.

ORDER:     The court will prepare the order.

On July 3, 2025, the parties submitted a Joint Status Report and Stipulation advising that settlement was being finalized and that a notice procedure for the proposed settlement class was being prepared. The parties requested a continuance of at least 65 days to effectuate that. Accordingly, this matter will be CONTINUED to September 11, 2025, at 11:00 a.m.

3. [23-10457](#)-B-11    **IN RE: MADERA COMMUNITY HOSPITAL**  
[23-1024](#)    [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
5-11-2023    [[1](#)]

RUBIO V. MADERA COMMUNITY HOSPITAL  
EILEEN GOLDSMITH/ATTY. FOR PL.

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

DISPOSITION:        Continued to September 11, 2025, at 11:00 a.m.

ORDER:                The court will prepare the order.

On July 3, 2025, the parties submitted a Joint Status Report and Stipulation advising that settlement was being finalized and that a notice procedure for the proposed settlement class was being prepared. The parties requested a continuance of at least 65 days to effectuate that. Accordingly, this matter will be CONTINUED to September 11, 2025, at 11:00 a.m.