



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, July 10, 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.

1. [25-11310](#)-A-13 **IN RE: FRANCISCO SALCEDO**
[PBB-1](#)

MOTION TO VALUE COLLATERAL OF ONEMAIN FINANCIAL GROUP, LLC
6-13-2025 [\[17\]](#)

FRANCISCO SALCEDO/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.

As a procedural matter, the caption of the motion states that the motion is a motion to value the collateral of the Department of the Treasury-Internal Revenue Service (Claim 4-1). Doc. #17. However, the contents of the motion, the caption of the notice of hearing, and the other supporting documents refer to the collateral of OneMain Financial Group, LLC (Claim 3-1). See Doc. #18-21. Because the notice of hearing clearly states that the motion applies to the collateral of OneMain Financial Group, LLC, the court deems notice of the motion to be proper notwithstanding the fact that the caption of the motion refers to the collateral of the Department of the Treasury-Internal Revenue Service.

Francisco Salcedo ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2014 BMW X5 SDrive ("Vehicle"), which is the collateral of OneMain Financial Group, LLC ("Creditor"). Doc. #17.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan is not a purchase money security interest secured by the property. Here, the current loan is based on a non-purchase money loan that Debtor incurred on March 16, 2024, so Creditor does not hold a purchase money security interest in the Vehicle. Decl. of Francisco Salcedo, Doc. #19; Ex. C, Doc. #20. Thus, the hanging paragraph of 11 U.S.C. § 1325 does not preclude Debtor from bifurcating Creditor's claim.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." 11 U.S.C. § 506(a)(1). Section 506(a)(2) of the Bankruptcy Code states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtor asserts the loan agreement between Debtor and Creditor was entered into on March 16, 2024 in the amount of \$20,000.00, and Debtor gave a secured interest in the Vehicle to Creditor. Salcedo Decl., Doc. #19; Ex. C, Doc. #20. At the time Debtor filed this bankruptcy case, the Vehicle had 87,750 miles on it. Salcedo Decl., Doc. #19. Debtor asserts the Vehicle is worth \$12,987.00 and asks the court for an order valuing the Vehicle at \$12,987.00. Id. Debtor is competent to testify as to the value of the Vehicle. Creditor filed a proof of claim on May 14, 2025, which asserts a value for the Vehicle of \$15,025.00. Claim 3-1.

The motion is GRANTED. Creditor's secured claim will be fixed at \$12,987.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

2. [24-12116](#)-A-13 **IN RE: MICHAEL/VICTORIA BUTLER**
[BDB-1](#)

AMENDED MOTION TO MODIFY PLAN
5-30-2025 [\[46\]](#)

VICTORIA BUTLER/MV
BENNY BARCO/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to August 14, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice 3015-1(d)(2). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to modify the chapter 13 plan. Tr.'s Opp'n, Doc. #48. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtors shall file and serve a written response no later than July 31, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtors' position. Trustee shall file and serve a reply, if any, by August 7, 2025.

If the debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than August 7, 2025. If the debtors do not timely

file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

3. [25-11119](#)-A-13 **IN RE: GENEVA FARR**
[LGT-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
5-27-2025 [\[29\]](#)

LILIAN TSANG/MV
JERRY LOWE/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 motion was set for hearing on at least 28 days' notice prior to the hearing date as required by 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 Systems, 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.

Lilian G. Tsang ("Trustee"), the chapter 13 trustee in the bankruptcy case of Geneva Farr ("Debtor"), objects to Debtor's claim of a homestead exemption under California Code of Civil Procedure ("C.C.P.") § 704.730 in the amount of \$303,694.00 in Debtor's real property located at 104 Sassafras Drive, Madera, California 93637 (the "Property") because Debtor has testified that Debtor did not reside at the Property when her bankruptcy petition was filed. Tr.'s Obj., Doc. #29; see Schedule C, Doc. #1.

"[T]he debtor, as the exemption claimant, bears the burden of proof which requires her to establish by a preponderance of the evidence that [the property] claimed as exempt in Schedule C is exempt under California Code of Civil Procedure § [704.730] and the extent to which the exemption applies." In re Pashenee, 531 B.R. 834, 837 (Bankr. E.D. Cal. 2015); see Diaz v. Kosmala (In re Diaz), 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016) (concluding "that where a state law exemption statute specifically allocates the burden of proof to the debtor, [Fed. R. Bankr. P.] 4003(c) does not change that allocation.").

California has opted out of the federal exemption scheme. C.C.P. § 703.130; Philips v. Gilman (In re Gilman), 887 F.3d 956, 964 (9th Cir. 2018). "As a result, '[t]he bankruptcy court decides the merits of state exemptions, but the validity of the exemption is controlled by California law.'" Gilman, 887 F.3d at 964 (quoting Diaz, 547 B.R. at 334). In considering California's homestead legislation, "the duty of the federal court is to ascertain and apply the

existing California law." Klingebiel v. Lockheed Aircraft Corp., 494 F.2d 345, 346 (9th Cir. 1974); see also Fortuna v. Naval Weapons Ctr. Fed. Credit Union (In re La Fortuna), 652 F.2d 842, 846 (9th Cir. 1981). The court is "mindful of the California authorities which admonish that 'the homestead statutes are to be construed liberally on behalf of the homesteader.'" Redwood Empire Prod. Credit Ass'n v. Anderson (In re Anderson), 824 F.2d 754, 759 (9th Cir. 1987) (quoting Ingebretsen v. McNamer, 137 Cal. App. 3d 957, 960 (1982)). "But liberal construction in favor of the debtor does not give us license to rewrite the California legislature's scheme for homestead protection." Id.

The property to which California's homestead exemption applies must be a homestead as that term is defined by C.C.P. § 704.710(c). California Code of Civil Procedure section 704.710(c) defines homestead as follows:

"Homestead" means the principal dwelling (1) in which the judgment debtor or the judgment debtor's spouse resided on the date the judgment creditor's lien attached to the dwelling, and (2) in which the judgment debtor or the judgment debtor's spouse resided continuously thereafter until the date of the court determination that the dwelling is a homestead.

C.C.P. § 704.710(c).

Here, Debtor has scheduled two real properties, real property located at 26757 Avenue 18 1/2, Madera, California 93638 and the Property. Schedule A/B, Doc. #1. At the 341 meeting of creditors, Debtor testified that she does not live at the Property and did not live there at the time Debtor filed her case. Decl. of Brisa Ramirez, Doc. #31. However, Debtor has claimed a homestead exemption in the Property. Schedule C, Doc. #1. Because Debtor has claimed a homestead exemption on real property in which Debtor does not currently reside, and did not reside at the time Debtor's bankruptcy case was filed, Debtor does not meet the homestead requirement for the Property under C.C.P. § 704.730.

Accordingly, the objection is SUSTAINED.

4. [25-11225](#)-A-13 **IN RE: THERESA PICOU**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
6-20-2025 [\[26\]](#)

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the order to show cause.

If the installment fees due at the time of hearing are paid before the hearing, the order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

5. [25-11237](#)-A-13 **IN RE: BLAKE HORNUNG**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-28-2025 [\[20\]](#)

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Trustee withdrew the objection to confirmation on July 1, 2025. Doc. #41.

6. [25-11237](#)-A-13 **IN RE: BLAKE HORNUNG**
[NLG-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY VILLAGE CAPITAL &
INVESTMENT LLC
5-15-2025 [\[16\]](#)

VILLAGE CAPITAL & INVESTMENT LLC/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
NICHOLE GLOWIN/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

7. [25-10638](#)-A-13 **IN RE: MIKE OLIVAS AND OLIVIA VILLA**
[PLG-1](#)

MOTION TO MODIFY PLAN
5-27-2025 [\[20\]](#)

OLIVIA VILLA/MV
RABIN POURNAZARIAN/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 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). 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.

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

8. [23-10943](#)-A-13 **IN RE: DE QIANG/AMY FENG**
[WLG-6](#)

MOTION TO MODIFY PLAN
6-5-2025 [[148](#)]

AMY FENG/MV
MICHAEL REID/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 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). 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.

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

9. [23-11859](#)-A-13 **IN RE: AUGUSTO TRIGUEROS**
[SAH-3](#)

MOTION TO MODIFY PLAN
6-4-2025 [[94](#)]

AUGUSTO TRIGUEROS/MV
SUSAN HEMB/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion to modify the plan on June 23, 2025. Doc. #100.

10. [25-11062](#)-A-13 **IN RE: TERESA HIGUERA ORTIZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
5-13-2025 [[12](#)]

TIMOTHY SPRINGER/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on June 25, 2025.
Doc. #21.

11. [25-10780](#)-A-13 **IN RE: GILBERTO COTZAJAY**
[WSL-1](#)

MOTION TO CONFIRM PLAN
5-28-2025 [[27](#)]

GILBERTO COTZAJAY/MV
GREGORY SHANFELD/ATTY. FOR DBT.

NO RULING.

1. [25-10233](#)-A-7 **IN RE: GERARDO CLAVEL CARTAGENA**
[25-1018](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
5-6-2025 [[1](#)]

LOPEZ, SR. V. CLAVEL CARTAGENA

NO RULING.

2. [25-10233](#)-A-7 **IN RE: GERARDO CLAVEL CARTAGENA**
[25-1019](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
5-8-2025 [[1](#)]

BROWN V. CLAVEL
S. BROWN/ATTY. FOR PL.

NO RULING.

3. [25-11146](#)-A-7 **IN RE: VANESSA REY**
[25-1014](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-8-2025 [[1](#)]

REY V. DEPARTMENT OF EDUCATION

NO RULING.