UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, July 30, 2026
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, (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. 23-10001-A-13 **IN RE: BRIAN/NADINE CANALES**
TCS-6

MOTION FOR COMPENSATION FOR NANCY D. KLEPAC, DEBTORS ATTORNEY(S)
6-29-2026 [92]

TIMOTHY SPRINGER/ATTY. FOR DBT.
NANCY KLEPAC/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 matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on June 29, 2026 using a Clerk's Matrix of Creditors that was generated on May 12, 2026. Doc. #96.

On July 27, 2026, the moving party filed an amended certificate of service declaring that service was made on June 29, 2026 but attached a creditor matrix that was generated on July 27, 2026. Doc. #102. Because the court cannot determine who was served on June 29, 2026 by a matrix that was generated after the date of service, the court does not consider the amended certificate of service to correct the original improper service.

As an informative matter, the motion filed by the moving party seeks approval of an interim application for allowance of fees and/or expenses pursuant to 11 U.S.C. § 331 or 330. Doc. #92. However, the body of the motion appears to seek modification of the debtors' plan and lacks adequate descriptions of what fees or expenses are being sought. Id.

As a further informative matter, the notice of hearing should indicate this is an interim application for the allowance of fees and expenses of the debtors' counsel, not of the debtors. Doc. #93.

2. 26-11602-A-13 **IN RE: KIRK BRIGGS**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
5-22-2026 [26]

SIMRAN HUNDAL/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. The debtor filed a first amended plan on July 16, 2026 (SSH-2, Doc. #47), with a motion to confirm the modified plan set for hearing on September 3, 2026 at 9:30 a.m. Doc. ##45-50.

3. 25-12905-A-13 **IN RE: MARK HERNANDEZ**
BDB-1

MOTION TO MODIFY PLAN
6-13-2026 [30]

MARK HERNANDEZ/MV
BENNY BARCO/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.

4. 26-10609-A-13 **IN RE: ALEJANDRO HERNANDEZ AND KRISTINA TREADWELL**
RSW-1

MOTION TO CONFIRM PLAN
6-17-2026 [42]

KRISTINA TREADWELL/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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 as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee timely opposed this motion but withdrew her opposition on July 29, 2026. Doc. ##48, 52. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

5. 22-10512-A-13 **IN RE: JESS CHACON**
WSL-1

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT, WAIVE SECTION 1328 CERTIFICATE REQUIREMENT, CONTINUE CASE ADMINISTRATION, SUBSTITUTE PARTY, AS TO DEBTOR
7-2-2026 [53]

AMANDA CHACON/MV
GREGORY SHANFELD/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 as required by 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.

Amanda Elizabeth Chacon ("Movant"), the surviving spouse and successor of Jess Ernesto John Chacon ("Debtor"), the debtor in this chapter 13 case, requests the court name Movant as the successor to the deceased Debtor, permit the continued administration of this chapter 13 case, and waive the § 1328 certification requirements. Doc. #53.

Upon the death of a debtor in chapter 13, Federal Rule of Bankruptcy Procedure 1016 provides that the case may be dismissed or may proceed and be concluded in the same manner, so far as possible, as though the death had not occurred upon a showing that further administration is possible and in the best interest of the parties. Fed. R. Bankr. P. 1016. Debtor died on May 20, 2026. Decl. of Amanda Elizabeth Chacon, Doc. #56. Movant declares that she is the best person to fulfill any requirements necessary to complete this chapter 13 case. Id. According to the chapter 13 trustee, Debtor has completed the payments required by his chapter 13 plan. Doc. #51. Movant asserts she can reasonably and timely prosecute the case to conclusion. Chacon Decl., Doc. #56.

With respect to a waiver of Debtor's certification requirements for entry of discharge under 11 U.S.C. § 1328, Debtor failed to meet the post-petition financial education requirements before Debtor died. However, Debtor's death demonstrates an inability to provide certifications required, and the certification requirements will be waived. Ex. 1, Doc. #55. No objections have been filed in response to this motion.

Accordingly, Movant's application to be appointed representative of Debtor's estate for the further administration of this bankruptcy case is GRANTED. Movant's motion to waive Debtor's § 1328 certification requirements is GRANTED.

6. 26-12816-A-13 **IN RE: DANIELLE BIGGS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
6-30-2026 [11]

DISMISSED 07/06/26

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

An order dismissing the case was entered on July 6, 2026. Doc. #15. The order to show cause will be dropped as moot. No appearance is necessary.

7. 26-11017-A-13 **IN RE: YESICA COLMENARES**
FW-1

MOTION TO CONFIRM PLAN
6-18-2026 [18]

YESICA COLMENARES/MV
PETER SAUER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 3, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #31. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than August 20, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by August 27, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than August 27, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

8. 26-12318-A-13 **IN RE: CRAIG/ERICA TORNQUIST**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-2-2026 [15]

LILIAN TSANG/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.
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 21, 2026. Doc. #20.

9. 26-11120-A-13 **IN RE: TYSON JOHNS**
LGT-1

MOTION TO DISMISS CASE
6-22-2026 [20]

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

NO RULING.

10. 26-12221-A-13 **IN RE: CAROL LYNCH**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
7-2-2026 [18]

PETER BUNTING/ATTY. FOR DBT.
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 21, 2026. Doc. #23.

11. 26-11522-A-13 **IN RE: THEONNA HILL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
7-7-2026 [38]

$78.00 INSTALLMENT FEE PAID 7/13/26

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid.

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.

12. 26-11624-A-13 **IN RE: BRENT PALMER**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-20-2026 [29]

LILIAN TSANG/MV
STEPHEN LABIAK/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

13. 26-10827-A-13 **IN RE: ENACIO/MARY AZEVEDO**
LGT-2

MOTION TO DISMISS CASE
6-11-2026 [22]

LILIAN TSANG/MV
SIMRAN HUNDAL/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Trustee withdrew the motion to dismiss on June 14, 2026. Doc. #33.

14. 26-11528-A-13 **IN RE: PEDRO GUEVARA**
LGT-1

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

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
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 June 11, 2026. Doc. #18.

15. 26-12329-A-13 **IN RE: MICHAEL/KATRINA DOYLE**
JDS-1

OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
7-7-2026 [18]

ALLY BANK/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.
JACQUELINE SERRAO/ATTY. FOR MV.

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

DISPOSITION: Continued to September 3, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Michael J. Doyle and Katrina Doyle (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on May 20, 2026. Doc. ##1, 3. Ally Bank ("Creditor") objects to confirmation of the Plan because the Plan fails to pay the applicable prime plus interest rate, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #18.

This objection will be continued to September 3, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than August 20, 2026. 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 Debtors' position. Creditor shall file and serve a reply, if any, by August 27, 2026.

If 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 27, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

16. 26-12329-A-13 **IN RE: MICHAEL/KATRINA DOYLE**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-2-2026 [15]

LILIAN TSANG/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.
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 21, 2026. Doc. #25.

17. 26-12032-A-13 **IN RE: JAIRO CHACON AND ANA ALVAREZ CHACON**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
6-17-2026 [16]

NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION: Continued to September 3, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Jairo Antonio Chacon and Ana Alvarez Chacon (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on May 1, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) the Plan payments will take longer than 60 months to complete; (2) Debtors have not filed a motion to value collateral for a Class 2 claim that the Plan proposes to pay at less than full value; (3) the Plan proposes attorney's fees in excess of the flat fee structure permitted by the court's Local Rules of Practice; (4) the disclosure of compensation form filed on May 1, 2026 (Doc. #1) does not match this court's standardized form and omits required services; (5) Debtor have not provided required documents to Trustee; and (6) the meeting of creditors has not yet concluded. Doc. #16. Debtors' 341 meeting of creditors has been continued to August 13, 2026 at 11:00 a.m. See court docket entry entered on July 16, 2026.

This objection will be continued to September 3, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than August 20, 2026. 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 Debtors' position. Trustee shall file and serve a reply, if any, by August 27, 2026.

If 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 27, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

18. 26-12032-A-13 **IN RE: JAIRO CHACON AND ANA ALVAREZ CHACON**
RH-1

OBJECTION TO CONFIRMATION OF PLAN BY CREDITOR CAPITAL ONE AUTO FINANCE
5-29-2026 [12]

CAPITAL ONE AUTO FINANCE, A DIVISION OF CAPITAL ONE, N.A.
NEIL SCHWARTZ/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

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

DISPOSITION: Continued to September 3, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Jairo Antonio Chacon and Ana Alvarez Chacon (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on May 1, 2026. Doc. ##1, 3. Capital One Auto Finance, a division of Capital One, N.A.("Creditor"), objects to confirmation of the Plan because the Plan does not pay the full replacement value of a 2020 Nissan Sentra Sv Sedan 4D that Debtors value in the amount of $8,000.00 despite Creditor's proof of claim stating a secured value for the collateral of $11,010.00. Doc. #12, Claim 5.

This objection will be continued to September 3, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than August 20, 2026. 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 Debtors' position. Creditor shall file and serve a reply, if any, by August 27, 2026.

If 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 27, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

19. 26-12335-A-13 **IN RE: PATRICK TUTT**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-1-2026 [13]

LILIAN TSANG/MV
SCOTT JOHNSON/ATTY. FOR DBT.
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 28, 2026. Doc. #22.

20. 26-11537-A-13 **IN RE: CURTIS STEVENS**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-20-2026 [19]

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

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Curtis Matthew Stevens ("Debtor") filed a voluntary petition under chapter 13 on April 5, 2026 and a chapter 13 plan ("Plan") on April 20, 2026. Doc. ##1, 12. The chapter 13 trustee ("Trustee") objected to confirmation of the Plan Doc. #19. The court continued this matter to July 30, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by July 16, 2026; or if Debtor elected to withdraw this Plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by July 23, 2026. Doc. #23.

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

Accordingly, Trustee's objection to the Plan is SUSTAINED on the grounds set forth in Trustee's objection.

21. 22-10438-A-13 **IN RE: DEBBI CHACON**
FW-5

MOTION TO USE INSURANCE PROCEEDS TO PURCHASE REPLACEMENT VEHICLE
7-9-2026 [90]

DEBBI CHACON/MV
PETER FEAR/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 the hearing.

This motion was filed and served on at least 21 days' notice prior to the hearing date pursuant to Federal Rule of Bankruptcy Procedure 2002 and 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 an informative matter, the date of the attorney's signature on the motion is incorrect. The motion is dated December 7, 2022 but the events discussed in the motion occurred after that date. Doc. #90.

Debbi Coreen Chacon ("Debtor"), the chapter 13 debtor in this case, moves the court for an order authorizing Debtor to use insurance proceeds from her totaled vehicle to purchase a replacement vehicle. Doc. #90. Debtor states that she needs to purchase a vehicle because her prior vehicle was stolen in late April 2026 and, when recovered in early May 2026, had such damage caused by the thieves that the vehicle was declared a total loss. Decl. of Debbi Correen Chacon, Doc. #92. The vehicle was Debtor's only vehicle other than Debtor's commercial food truck. Id. Around June 29, 2026, Debtor received $14,415.77 in insurance proceeds from the loss of Debtor's vehicle and seeks to use a maximum of $10,000.00 from the insurance proceeds to purchase a replacement vehicle. Id. Debtor does not intend to borrow any funds to purchase a replacement vehicle. Id. Because Debtor will only use funds from her insurance proceeds to purchase the replacement vehicle, Debtor does not believe payments to creditors through her confirmed chapter 13 plan will be jeopardized. Id.

LBR 3015-1(h)(1)(E) provides in relevant part that "if the debtor wishes to . . . transfer property on terms and conditions not authorized by [LBR 3015-1(h)(1)(A) through (D)], the debtor shall file the appropriate motion, serve it on the trustee, those creditors who are entitled to notice, and all persons requesting notice, and set the hearing on the Court's calendar with the notice required by Fed. R. Bankr. P. 2002 and LBR 9014-1."

The court finds cause exists to grant the motion. This motion was properly served and noticed, and opposition may be presented at the hearing. There is no indication that Debtor is not current on her chapter 13 plan payments or that the chapter 13 plan is in default. Debtor will use only insurance proceeds to purchase a replacement vehicle and will not incur new debt to purchase a replacement vehicle. The purchase of a replacement vehicle is reasonably necessary for the maintenance or support of Debtor.

Accordingly, subject to opposition being raised at the hearing, this motion will be GRANTED. Debtor is authorized, but not required, to purchase a vehicle in a manner consistent with the motion.

22. 25-12043-A-13 **IN RE: BETTY SCROGGINS**
RSW-1

MOTION TO SELL
7-6-2026 [20]

BETTY SCROGGINS/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted subject to higher and better offers.

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 21 days' notice prior to the hearing date pursuant to Federal Rule of Bankruptcy Procedure 2002 and 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 subject to higher and better offers. 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.

Betty Gail Scroggins ("Debtor") petitions the court for an order authorizing Debtor to sell real property located at 3315 Sierra Meadows Drive, Bakersfield, California 93313 (the "Property") to Randy Ramos and Evelyn Esmeralda Rodas (together, "Buyers") for $440,000.00. Doc. #20. Debtor filed a voluntary chapter 13 petition on June 19, 2025. Doc. #1. Debtor's chapter 13 plan was confirmed on August 11, 2025 and provides for no dividend to general unsecured creditors. Plan, Doc. #3; Order, Doc. #12.

LBR 3015-1(h)(1)(E) provides in relevant part that "if the debtor wishes to . . . transfer property on terms and conditions not authorized by [LBR 3015-1(h)(1)(A) through (D)], the debtor shall file the appropriate motion, serve it on the trustee, those creditors who are entitled to notice, and all persons requesting notice, and set the hearing on the Court's calendar with the notice required by Fed. R. Bankr. P. 2002 and LBR 9014-1."

This motion was properly served and noticed. Debtor holds a fee simple ownership interest in the Property. Schedule A/B, Doc. #1. Debtor has claimed an exemption of the Property under California Code of Civil Procedure § 704.730 in the amount of $395,000.00. Schedule C, Doc #1. The Property is encumbered by liens and/or security interests totaling $348,333.96. Schedule D, Doc. #1; Decl. of Betty Gail Scroggins, Doc. #22. The court finds that the sale of the Property is in the best interests of the estate.

Accordingly, subject to opposition being raised at the hearing and higher and better offers, this motion will be GRANTED. Debtor will be authorized, but not required, to sell the Property.

23. 26-11846-A-13 **IN RE: RONALD/MICHELLE TALLEY**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
6-16-2026 [27]

LILIAN TSANG/MV
PETER BUNTING/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 20, 2026. Doc. #45.

24. 26-11846-A-13 **IN RE: RONALD/MICHELLE TALLEY**
NLG-1

OBJECTION TO CONFIRMATION OF PLAN BY NATIONSTAR MORTGAGE, LLC
6-9-2026 [18]

NATIONSTAR MORTGAGE LLC/MV
PETER BUNTING/ATTY. FOR DBT.
NICHOLE GLOWIN/ATTY. FOR MV.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Nationstar Mortgage, LLC withdrew the objection to confirmation on July 21, 2026. Doc. #47.

25. 26-10947-A-13 **IN RE: ARACELI AYON**
RSW-2

CONTINUED MOTION TO INCUR DEBT
6-26-2026 [46]

ARACELI AYON/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

On July 27, 2026, the court entered an order granting this motion. Doc. #59.

26. 24-12359-A-13 **IN RE: JUAN GONZALEZ**
SLG-1

MOTION FOR COMPENSATION FOR JOSHUA L. STERNBERG, DEBTORS ATTORNEY(S)
6-26-2026 [132]

JOSHUA STERNBERG/ATTY. FOR DBT.
DISMISSED 10/02/25

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

There is no certificate of service filed with the court showing when the motion was served. Therefore, the motion does not comply with Local Rule of Practice 9014-1(e)(3), which requires that proof of service of all pleadings be filed with the court not more than three (3) days after the pleading is filed with the court. Because there is no certificate of service filed with the motion (Doc. #132), the court cannot determine whether parties were served properly.

27. 25-12265-A-13 **IN RE: MANUEL/RISSY MONTOYA**
AOE-4

MOTION TO CONFIRM PLAN
6-19-2026 [139]

RISSY MONTOYA/MV
ANTHONY EGBASE/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice. The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on June 25, 2026 using a Clerk's Matrix of Creditors that was generated on April 24, 2026. Doc. #144.

On July 20, 2026, the debtors filed a Fifth Amended Chapter 13 Plan (Doc. #153) and a motion to confirm that plan (AOE-5, Doc. ##153-159), which supersedes this motion. However, as an informative matter, the certificates of service with respect to the new plan and motion (Doc. #154, 159) have the same defect as noted above, namely that the pleadings were served pursuant to a Clerk's Matrix of Creditors that was generated on April 24, 2026.

28. 25-12265-A-13 **IN RE: MANUEL/RISSY MONTOYA**
LGT-4

CONTINUED MOTION TO DISMISS CASE
3-13-2026 [94]

LILIAN TSANG/MV
ANTHONY EGBASE/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

29. 26-10470-A-13 **IN RE: CHRISANTO/TIFFANY MARTINEZ**
LGT-1

CONTINUED MOTION TO DISMISS CASE
4-17-2026 [54]

LILIAN TSANG/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

30. 26-10470-A-13 **IN RE: CHRISANTO/TIFFANY MARTINEZ**
PGM-1

CONTINUED MOTION TO CONFIRM PLAN
5-5-2026 [58]

TIFFANY MARTINEZ/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

31. 26-11472-A-13 **IN RE: JOSE VALLADARES**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
5-22-2026 [13]

STEVEN ALPERT/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 27, 2026. Doc. #24.

32. 26-11973-A-13   **IN RE: PAUL/ARACELI GRIMALDO**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
6-17-2026 [16]

SETH HANSON/ATTY. FOR DBT.
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 16, 2026. Doc. #25.

33. 26-12273-A-13   **IN RE: MANUEL/JENNIFER GARCIA**
SLH-1

MOTION TO CONFIRM PLAN
6-3-2026 [12]

JENNIFER GARCIA/MV
SETH HANSON/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The certificate of service that was filed with this motion to confirm does not list the Chapter 13 Plan as a document that was served on interested parties. See Section 4, Doc. #16. Local Rule of Practice ("LBR") 3015-1(d)(1) requires the debtors to serve the plan under consideration with a motion to confirm. The purpose of the rule requiring service of the plan with a motion to confirm is to assure adequate notice of the plan terms upon all interested parties. If the plan is not served with the motion to confirm, notice is not properly accomplished. Therefore, the court denies the motion for improper service under LBR 3015-1(d)(1).

As an informative matter, the declarant incorrectly completed Section 6 of the court's mandatory Certificate of Service form for the motion as well as the amended notice of hearing. Doc. ##16, 28. In Section 6 of both forms, the declarant marked that service was effectuated by Rule 7004 service. Id. A motion to confirm a plan that is served on other creditors and parties in interest is made to Rule 5 and Rules 7005, 9036 Service. In Section 6, the declarant should have checked the appropriate box under Section 6B instead of the box in Section 6A.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

34. 26-11276-A-13 **IN RE: ROBERT HEARD**
NES-1

MOTION TO CONFIRM PLAN
6-24-2026 [32]

ROBERT HEARD/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 3, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #38. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than August 20, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by August 27, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than August 27, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

As an informative matter, the declarant incorrectly completed Section 6 of the court's mandatory Certificate of Service form for the motion. Doc. #37. In Section 6 of the form, the declarant marked that service was effectuated by Rule 7004 service. Id. A motion to confirm a plan that is served on other creditors and parties in interest is made to Rule 5 and Rules 7005, 9036 Service. In Section 6, the declarant should have checked the appropriate box under Section 6B instead of the box in Section 6A.

35. 25-13477-A-13 **IN RE: DAVID/NORMAJEAN FERLAND**
DAB-7

MOTION TO CONFIRM PLAN
6-11-2026 [89]

NORMAJEAN FERLAND/MV
DAVID BOONE/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The mandatory certificate of service form filed with this motion (Doc. #94) is not completed properly. The certificate of service was filed on June 11, 2026, but Section 4 of the mandatory certificate of service form states that service was made on July 30, 2026, and the declarant states that the certificate of service was signed on July 30, 2026. Doc. #94. Because an incorrect date is listed in Section 4, the court cannot determine whether the parties were served timely.

36. 26-12077-A-13 **IN RE: JAZMIN GUTIERREZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G TSANG
6-18-2026 [13]

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. The debtor filed a first modified plan on July 21, 2026 (TCS-1, Doc. #18), with a motion to confirm the modified plan set for hearing on August 27, 2026 at 9:30 a.m. Doc. ##16-22.

37. 21-10679-A-13 **IN RE: SYLVIA NICOLE**

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY
6-10-2026 [520]

SYLVIA NICOLE/MV

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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 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). Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires a motion for sanctions for violation of the automatic stay to be served "in the manner provided for service of a summons and complaint by Rule 7004." Service of the motion on the City of Los Banos Police Department ("City") does not satisfy Rule 7004(b)(6).

Rule 7004(b)(6) provides that to serve a governmental organization "(A) the summons and complaint must be mailed to the person or office that, under the law of the state where service is made, is authorized to receive service in a case filed against that defendant in that state's courts of general jurisdiction; and (B) if there is no such authorized person or office, the summons and complaint must be mailed to the defendant's chief executive officer[.]" Fed. R. Bankr. P. 7004(b)(6). Here, the summons and complaint are the notice of motion and motion.

Under California law, service upon a city or municipality in California is governed by California Code of Civil Procedure ("C.C.P.") § 416.50 as follows:

> (a) A summons may be served on a public entity by delivering a copy of the summons and of the complaint to <u>the clerk, secretary, president, presiding officer, or other head of its governing body</u>.
>
> (b) As used in this section, "public entity" includes the state and any office, department, division, bureau, board, commission, or agency of the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in this state.

Cal. Civ. Proc. Code § 416.50 (emphasis added).

Notice of this motion was by mail on officer Fernando Martinez, and personally served on Vionna Lin, a clerk of the City of Los Banos Police Department. Doc. ## 510, 525. However, according to the City of Los Banos website, neither Mr. Martinez nor Ms. Lin is the head of the City of Los Banos Police Department. According to the City of Los Banos website, the chief of police is Ray Reyna. <u>See</u> https://losbanos.org/city-government/departments/police/. Because the motion was not served on or to the attention of Mr. Reyna, the motion was not served in the manner required under C.C.P. § 416.50.

However, constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has not done here. Thus, rather than denying this motion without prejudice for improper service, the court denies the motion on the merits.

Sylvia Nicole ("Debtor"), the chapter 13 debtor in this case, moves for an order of sanctions against City for violation of the automatic stay. Doc. #521. In essence, Debtor asserts that City failed to investigate burglary and vandalism allegations by Debtor of her personal property from her real property located in Los Banos. Decl. of Sylvia Nicole, Doc. #523. In addition, officer Ivan Mendez of City ordered Debtor to move her vehicle from her real property to a storage facility. <u>Id.</u> As a result, Debtor obtained a 1-day operating permit from the Department of Motor Vehicles as well as contacted AAA to tow her vehicle to storage facility in Los Banos. <u>Id.</u> However, on July 6, 2023, AAA did not tow the vehicle as requested by Debtor and pushed the vehicle into the street and left the vehicle parked improperly. <u>Id.</u> After Debtor left to buy gas to start the vehicle, the police came and issued a traffic ticket to Debtor and contacted a local towing company to tow the vehicle. <u>Id.</u> Prior to the traffic ticket being issued and the vehicle being towed, Debtor informed the officer and the towing company of her bankruptcy case. <u>Id.</u> The vehicle was towed, and City has refused to release the vehicle to Debtor. <u>Id.</u>

Debtor filed this chapter 13 bankruptcy case on January 5, 2021. Doc. #1. On September 22, 2021, Debtor filed her third amended chapter 13 plan (the "Plan") that provided, among other things, for property of the estate to vest in Debtor upon confirmation of the Plan. Doc. #218. The Plan was confirmed on January 24, 2022. Doc. #317. The actions of City relate to writing a post-petition traffic ticket to Debtor and having Debtor's illegally parked vehicle towed on July 6, 2023. Nicole Decl., Doc. #523.

11 U.S.C. § 362(a) provides for an automatic stay upon the filing of the bankruptcy case. Relevant to this motion, 11 U.S.C. § 362(a)(1), (2), (5), (6), and (7) only apply with respect to claims that arose prior to the commencement of the bankruptcy case. Here, the motion does not seek relief with respect to actions of the City prior to January 5, 2021, so none of the subsections that are limited to claims that arose pre-petition provide grounds for a violation of the stay by City. 11 U.S.C. § 362(a)(8) and (9) also do not apply to the facts before the court because (a)(8) only applies to a proceeding before the United States Tax Court and (a)(9) only applies to the redemption of payment stablecoins. That leaves only 11 U.S.C. § 362(a)(3) and (4) as possible subsections under which Debtor can assert a claim for violation of the automatic stay against City. 11 U.S.C. § 362(a)(4) only applies to the creation, perfection or enforcement of a lien, which is not asserted by Debtor against City. Thus, the only basis upon which Debtor could assert a claim for violation of the automatic stay against City is under 11 U.S.C. § 362(a)(3).

11 U.S.C. § 362(a)(3) provides that there is an automatic stay of "any act to obtain possession property of the estate or of property from the estate or to exercise control over property of the estate." Under Ninth Circuit authority, when a chapter 13 plan provides that property of the estate revests in the debtor when the chapter 13 plan is confirmed, as Debtor's plan did, the property of the estate is limited to those sums specifically dedicated to fulfillment of the plan. Cal. Franchise Tax Bd. v. Kendall (In re Jones), 657 F.3d 921, 928-29 (9th Cir. 2011). Here, Debtor's motion asserts violations of the automatic stay against City related to City's actions with respect to Debtor's vehicle. Doc. #521. There is no allegation against City with respect to sums dedicated to the fulfillment of Debtor's chapter 13 plan. Id.

Because the vehicle is not sums specifically dedicated to the fulfillment of Debtor's confirmed plan and the plan revested the vehicle in Debtor as of confirmation of the plan, the vehicle was not property of the estate on July 6, 2023 when the alleged violation of the automatic stay occurred. Thus, there is no subsection of 11 U.S.C. § 362(a) in place imposing the automatic stay with respect to any actions of City against Debtor. Because there is no automatic stay precluding any actions of City against Debtor, City's actions could not have violated the automatic stay, and Debtor has not made a *prima facie* case that City violated the automatic stay.

Accordingly, the motion is DENIED.

38. 23-24379-A-13 **IN RE: GRACE LEE**
CAE-1

ORDER TO SHOW CAUSE RE: DISCLOSURE OF ATTORNEY COMPENSATION
6-25-2026 [95]

GERALD GLAZER/ATTY. FOR DBT.
DISMISSED 07/02/26

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the disclosure of compensation of attorney for debtor was filed on June 27, 2026. Doc. #98. Therefore, this order to show cause is VACATED. No appearance is necessary.

39. 25-21680-A-13 **IN RE: ALIAYA PARKER**
CYB-7

MOTION TO CONFIRM PLAN
6-23-2026 [156]

ALIAYA PARKER/MV
CANDACE BROOKS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee timely filed non-opposition to this motion. See Non-Opp'n, Doc. #163. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

40. 24-12783-A-13 **IN RE: EMANUEL/KAREN DOZIER**
RSW-2

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT, CONTINUE CASE ADMINISTRATION, SUBSTITUTE PARTY, AS TO JOINT DEBTOR
6-23-2026 [77]

EMANUEL DOZIER/MV
ROBERT WILLIAMS/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.

Emmanuel V. Dozier ("Movant"), the surviving spouse of Karen D. Dozier ("Joint Debtor") and debtor in this chapter 13 case, requests the court name Movant as the successor to the deceased Joint Debtor, permit the continued administration of this chapter 13 case, and waive the § 1328 certification requirements. Doc. #77.

Upon the death of a debtor in chapter 13, Federal Rule of Bankruptcy Procedure 1016 provides that the case may be dismissed or may proceed and be concluded in the same manner, so far as possible, as though the death had not occurred upon a showing that further administration is possible and in the best interest of the parties. Joint Debtor died on February 19, 2026. Decl. of Emmanuel Dozier, Doc. #79. The confirmed chapter 13 plan in this case provides for full payment to general unsecured creditors with interest at the federal judgment rate. Plan, Doc. #3; Order, Doc. #68. Appointing Movant, who also is a debtor in this bankruptcy case, to be representative to proceed with case administration is in the best interest of the parties and creditors. No objections have been filed in response to this motion.

With respect to a waiver of Joint Debtor's certification requirements for entry of discharge under 11 U.S.C. § 1328, Joint Debtor failed to meet the post-petition financial education requirements before Joint Debtor died. Joint Debtor's death demonstrates an inability to provide certifications required, and the certification requirements will be waived.

Accordingly, Movant's application to be appointed representative of Joint Debtor's estate for the further administration of this bankruptcy case is GRANTED. Movant's motion to waive Joint Debtor's § 1328 certification requirements is GRANTED.

41. 25-22484-A-13 **IN RE: PAOLA RESCINO**
DPC-2

MOTION TO DISMISS CASE
7-2-2026 [102]

DAVID CUSICK/MV
ROBERT HUCKABY/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

This motion was set for hearing on at least 28 days' notice prior to the hearing pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The debtor filed a non-opposition on July 15, 2026. Doc. #106. 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 matter will be resolved without oral argument. 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.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors. Doc #102. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to confirm a plan and make payments due under the plan. Payments are delinquent in the amount of $215.00. While this motion is pending, further payments will come due. In addition to the delinquency amount, the debtor must also make the monthly plan payment of $43.00 for July 25, 2026. Doc. #102. The debtor filed a non-opposition to dismissal on July 15, 2026. Doc. #106.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. There is "cause" for dismissal under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

While the debtor filed a statement of non-opposition to the motion, the court must consider whether dismissal or conversion is in the best interests of the estate. A review of the debtor's Schedules A/B, C and D shows that there is no non-exempt equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is no non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, this motion is GRANTED. The case is dismissed.

42. 26-11484-A-13 **IN RE: SUZANNE JOSEFOWSKI**
LGT-2

MOTION TO DISMISS CASE
6-12-2026 [96]

LILIAN TSANG/MV
PETER MACALUSO/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part; the case will be converted.

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 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 the debtor 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 non-responding parties in interest are entered. Because the court will convert rather than dismiss this case, this matter will proceed as scheduled.

Here, the chapter 13 trustee ("Trustee") asks the court to dismiss this case on three separate grounds. First, Trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors. Doc #96. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) provide Trustee with a Class 1 checklist with the most recent mortgage statement; (2) cooperate with Trustee by providing various requested documents; and (3) file accurate schedules and/or statements and Official Form 122C-1. Decl. of Rosa Garcia, Doc. #98. Second, Trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(4) for the debtor's failure to commence making payments due under the plan. Doc. #96. As of June 12, 2026, payments are delinquent in the amount of $2,000.00. While this motion is pending, further payments will come due, including a $600,000.00 plan payment due on or before July 1, 2026. Plan, Doc. #12; Garcia Decl., Doc. #98. Finally, Trustee asks the court to dismiss this case for the debtor's failure to file her 2022, 2023, and 2025 tax returns as required under 11 U.S.C. § 1308. Doc. #96. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors because the debtor failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

Under 11 U.S.C. § 1307(e), "[u]pon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate."

11 U.S.C. § 1308(a) provides: "Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition." 11 U.S.C. § 1308(a).

Under 11 U.S.C. § 1308(b), "if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond" 120 days after the date of the meeting for any return that is past due as of the date of the filing of the petition. 11 U.S.C. § 1308(b). Here, the debtor's first meeting of creditors was scheduled for May 19, 2026, and has been continued to July 30, 2026. Doc. #30; see court docket entries entered on May 19, 2026 and June 18, 2026. September 16, 2026 is 120 days from May 19, 2026, so the maximum amount of time Trustee can hold open the debtor's meeting of creditors under 11 U.S.C. § 1308(b) has not yet passed.

A review of the debtor's Schedules A/B, C and D shows there is a liquidation amount of $568,467.96, after Trustee compensation. Doc. #11; Garcia Decl., Doc. #98. This liquidation amount is comprised of the value of the debtor's non-exempt equity in (a) four real properties located in Hawaii, (b) a 2017 Suntracker, (c) boat trailer, (d) stamps, (e) coins, (f) antiques, (g) jewelry, (h) escrow funds from the sale of property in Hawaii, and (i) security deposit. Based on the proofs of claim filed in this case, there is a question as to whether the debtor has any equity in the four real properties located in Hawaii or the escrow proceeds from real property sold in Hawaii. See Claims 5, 13, 14, and 17 through 20; Doc. #11. Without considering any equity related to the debtor's Hawaii property or the escrow funds, the court calculates there is approximately $35,000 in non-exempt equity before trustee compensation in the 2017 Suntracker, boat trailer, stamps, coins, antiques, jewelry, and security deposit. Because there is sufficient non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that conversion, rather than dismissal, is in the best interests of creditors and the estate.

Accordingly, the motion will be GRANTED IN PART, and the case converted. The court will issue an order.

43. 26-11484-A-13 **IN RE: SUZANNE JOSEFOWSKI**
PGM-1

CONTINUED MOTION TO DISMISS CASE
4-30-2026 [34]

CENTRAL PACIFIC BANK/MV
PETER MACALUSO/ATTY. FOR DBT.
ANDREW LEE/ATTY. FOR MV.
CONT'D TO 8/13/26 BY ECF ORDER #123, RESPONSIVE PLEADING

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

DISPOSITION: Continued to August 13, 2026 at 9:30 a.m.

NO ORDER REQUIRED.

On July 14, 2026, the court issued an order continuing the motion to dismiss to August 13, 2026 at 9:30 a.m. Doc. #123.

44. 25-25785-A-13 **IN RE: DILLON/BRITNEY MOORE**
TLA-1

MOTION TO MODIFY PLAN
6-21-2026 [22]

BRITNEY MOORE/MV
THOMAS AMBERG/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

45. 24-23586-A-13 **IN RE: JON NEWTON**
DPC-4

MOTION TO DISMISS CASE
6-18-2026 [120]

DAVID CUSICK/MV
MICHAEL REID/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtor 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 default of the debtor is 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.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(6) for failure to make all payments due under the plan. Doc. #120. At the time the motion was filed, the debtor was delinquent in the amount of $44,310.00. Id. Before this hearing, another two payments in the amount of $5,255.00 will also come due, bringing the total to $54,820.00. Id. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(6) for failure of the debtor to make all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows that there is no equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is no non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED. The case is dismissed.

46. 25-26886-A-13 **IN RE: BRENDOLYNN CHAMPLAIE**
GO-2

CONTINUED MOTION TO CONVERT CASE FROM CHAPTER 13 TO CHAPTER 7, MOTION TO DISMISS CASE
4-9-2026 [84]

RCVI GROUP INC./MV
PETER MACALUSO/ATTY. FOR DBT.
GIOVANNI ORANTES/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

47. 25-26886-A-13 **IN RE: BRENDOLYNN CHAMPLAIE**
PGM-2

CONTINUED MOTION TO CONFIRM PLAN
4-22-2026 [91]

BRENDOLYNN CHAMPLAIE/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

48. 25-20087-A-13 **IN RE: MOSES/TARA MENDOZA**
WW-3

MOTION TO MODIFY PLAN
6-9-2026 [49]

TARA MENDOZA/MV
MARK WOLFF/ATTY. FOR DBT.
RESPONSIVE PLEADING

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 chapter 13 trustee timely filed non-opposition to this motion. See Non-Opp'n, Doc. #55. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have 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.

49. 21-24188-A-13 **IN RE: JOANNE PAULINO**
DPC-1

MOTION TO DISMISS CASE
6-18-2026 [30]

DAVID CUSICK/MV
MARK SHMORGON/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 motion to dismiss on July 22, 2026. Doc. #37.

50. 25-24189-A-13 **IN RE: KYLE JENSEN**
DPC-1

MOTION TO DISMISS CASE
6-17-2026 [22]

DAVID CUSICK/MV
THOMAS AMBERG/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to August 27, 2026 at 9:30 a.m.

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

Because the debtor has filed an amended plan to address the issues raised in the trustee's motion to dismiss, the trustee's motion to dismiss will be continued to August 27, 2026 at 9:30 a.m. to be heard with hearing on the debtor's motion to confirm plan (TLA-1). Doc. ##26-31.

51. 25-24289-A-13 **IN RE: THOMAS/ASHLEY GEARHART**
DPC-2

CONTINUED MOTION TO DISMISS CASE
5-15-2026 [32]

DAVID CUSICK/MV
STEVEN ALPERT/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

52. 25-25089-A-13 **IN RE: SHANE/BRIANNA GATES**
RAS-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-19-2026 [57]

SELENE FINANCE LP/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
SHANA STARK/ATTY. FOR MV.
DISMISSED 6/25/26

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 25, 2026. Doc. #70. Therefore, this motion is DENIED AS MOOT.

53. 25-25089-A-13 **IN RE: SHANE/BRIANNA GATES**
RDW-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
6-25-2026 [63]

PATELCO CREDIT UNION/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
REILLY WILKINSON/ATTY. FOR MV.
DISMISSED 6/25/26

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 25, 2026. Doc. #70. Therefore, this motion is DENIED AS MOOT.

54. 25-26590-A-13 **IN RE: MICHAEL JAMES MERCADO**
DPC-3

MOTION TO DISMISS CASE
6-18-2026 [89]

DAVID CUSICK/MV
PETER MACALUSO/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 motion to dismiss on July 22, 2026. Doc. #102.

55. 23-24291-A-13 **IN RE: ISRAEL GABRIEL AND LAUREN EVANSON-GABRIEL**
MET-2

CONTINUED MOTION TO MODIFY PLAN
5-26-2026 [91]

LAUREN EVANSON-GABRIEL/MV
MARY TERRANELLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

56. 19-12394-A-13 **IN RE: JUAN/CONSUELO ARZATE**
LGT-1

MOTION TO DETERMINE FINAL CURE AND MORTGAGE PAYMENT RULE 3002.1
6-15-2026 [84]

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

NO RULING.

As a procedural matter, the opposition filed by Deutsche Bank National Trust Co. ("Creditor") (Doc. #89) does not comply with Local Rule of Practice ("LBR") 9004-2(c)(1), which requires exhibits to be filed as a separate document. Here, the opposition included the exhibits and certificate of service as a single document. In addition, the exhibits should have been filed as a single document with appropriate index and page numbering pursuant to LBR 9004-2(d). Further, Creditor did not provide a declaration authenticating the exhibits provided to support its opposition to the trustee's motion.

The court encourages counsel for Creditor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders.

57. [26-12194](#)-A-13   **IN RE: MICHELLE/RONALD RIVERA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-1-2026 [[12](#)]

LILIAN TSANG/MV
SETH HANSON/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

This objection to confirmation was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. 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.

Michelle Renee Rivera and Ronald Rivera (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on May 13, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtors misclassify a Rocket Mortgage claim as a Class 4 claim instead of a Class 1 claim to be paid through the Plan. Doc. #12.

Because Rocket Mortgage must be placed in a different class, Debtors need to file a new chapter 13 plan and notice a motion to confirm that plan. Because a new plan must be filed to resolve this objection, the court is inclined to sustain the objection rather than continue the hearing on Trustee's objection to confirmation to allow a response from Debtors.

Accordingly, pending any opposition at the hearing, the objection will be SUSTAINED.

58. [25-13795](#)-A-13   **IN RE: CHRISTOPHER MORRIS**
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE
4-16-2026 [[58](#)]

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to September 3, 2026 at 9:30 a.m.

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

Because the debtor has filed an amended plan to address the issues raised in the trustee's motion to dismiss, the trustee's motion to dismiss will be continued to September 3, 2026 at 9:30 a.m. to be heard with the continued hearing on the debtor's motion to confirm plan (TCS-5). Doc. ##103-109.

59. 25-13795-A-13 **IN RE: CHRISTOPHER MORRIS**
TCS-5

MOTION TO CONFIRM PLAN
6-25-2026 [103]

CHRISTOPHER MORRIS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 3, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #111. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than August 20, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by August 27, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than August 27, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

60. 26-11998-A-13 **IN RE: MATTHEW GOLDSMITH**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
6-18-2026 [17]

LILIAN TSANG/MV
STEPHEN LABIAK/ATTY. FOR DBT.
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 15, 2026. Doc. #26.

1. 26-10614-A-7 **IN RE: JABOA TREJO-FLORES**
   26-1032 CAE-1

   STATUS CONFERENCE RE: COMPLAINT
   5-22-2026 [1]

   MERCHANTS ACQUISITION GROUP LLC V. TREJO-FLORES
   RICHARD SNYDER/ATTY. FOR PL.
   ADVERSARY PROCEEDING DISMISSED 07/07/26

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on July 7, 2026. Doc. #18.

2. 24-12115-A-7 **IN RE: MICHAEL/TATUM SCOTT**
   24-1042

   MOTION TO VACATE, MOTION FOR NEW TRIAL
   6-11-2026 [126]

   NOLEN V. SCOTT
   PAUL NOLEN/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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 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 defendant timely filed written opposition on July 15, 2026. Doc. #135. This matter will proceed as scheduled.

As a procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "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).

Paul Nolen ("Plaintiff") moves to vacate judgment or, in the alternative, for a new trial pursuant to Federal Rule of Civil Procedure ("Civil Rule") 60(b)(3), made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 9024. Motion, Doc. #126. As an initial matter, this court has not entered a written judgment in this adversary proceeding, so Plaintiff's request to vacate judgment is premature.[1] The court will consider Plaintiff's alternate request for relief under Civil Rule 60(b)(3).

Relevant Facts

On June 2, 2026, this court conducted a one-day trial on Plaintiff's complaint asserting a non-dischargeability claim pursuant to § 523(a)(2)(A) against Tatum Rae Scott ("Defendant"). Doc. #121. As part of the pre-trial proceedings, the parties agreed that the direct testimony of Defendant and Defendant's sister, Kristen Corey, would be presented by declaration pursuant to this court's Alternate Direct Testimony Procedure as set forth in LBR 9017-1. Doc. #108.

At the close of Plaintiff's case, counsel for Defendant made a motion for directed verdict under Civil Rule 52(c), made applicable to this adversary proceeding by Bankruptcy Rule 7052, which the court granted in part by oral ruling. The court granted the motion but reserved entering judgment pending a ruling on a motion by Defendant for her attorneys' fees claim under 11 U.S.C. § 523(d). Civil Minutes, Doc. #121. A written order consistent with the court's ruling was entered on June 17, 2026. Order, Doc. #132.

Plaintiff's motion is based on Plaintiff's contention that Defendant obtained a favorable decision from this court by relying heavily on alternate direct testimony declarations that contained verbatim statements from two separate witnesses on hotly contested and disputed issues of this case. Motion, Doc. #126. Specifically, Plaintiff contends that the "identical statements do not represent individual, independent [r]ecollections, but rather a coordinated, manufactured narrative that is directly contradicted by contemporaneous email evidence from the inception of this dispute." Id. According to Plaintiff, allowing this court's ruling in favor of Defendant "would reward a misrepresentation of fact and cause a manifest injustice." Id. Plaintiff further asserts that the court denied Plaintiff due process by not hearing closing arguments. Id.

Defendant opposes the motion asserting first that the motion is premature because no judgment has been entered. Plaintiff further asserts that, based on applicable law, Plaintiff has not shown any grounds for a new trial under Civil Rule 60(b)(3). Finally, the fact that the court ruled on a motion for directed verdict under Civil Rule 52(c) did not deprive Plaintiff of his due process.

Applicable Law

Civil Rule 60(b)(3) relates to fraud or misconduct by a party and provides:

//

[1] Motions challenging a judgment brought within 14 days of the entry of the judgment are typically treated as a motion to alter or amend a judgment under Bankruptcy Rule 9023, incorporating Civil Rule 59(e). Fadel v. DCB United LLC (In re Fadel), 492 B.R. 1, 18 (B.A.P. 9th Cir. 2013). Only after the time for appeal has expired are such motions typically treated as a motion for relief under Bankruptcy Rule 9024, incorporating Civil Rule 60. In re Cleanmaster Industries, Inc., 106 B.R. 626, 630 (B.A.P. 9th Cir. 1989). The Ninth Circuit has instructed that "altering or amending a judgment under [Civil] Rule 59(e) is an 'extraordinary remedy' usually available only when (1) the court committed manifest errors of law or fact, (2) the court is presented with newly discovered or previously unavailable evidence, (3) the decision was manifestly unjust, or (4) there is an intervening change in the controlling law." Rishor v. Ferguson, 822 F.3d 482, 491-92 (9th Cir. 2016)(citing Allstate Ins. Co. v. Herron, 634 F.3d 1101, 1111 (9th Cir. 2011)). The analysis of the arguments raised by Plaintiff's motion would yield the same result even if viewed as a motion under Civil Rule 59(e).

> (b) **Grounds for Relief from a Final Judgment, Order, or Proceeding.** On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: . . .
>
> (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
>
> . . . .

Fed. R. Civ. P. 60(b)(3). In the context of Civil Rule 60(b)(3), Moore's Federal Treatise informs:

> [Civil] Rule 60(b)(3) authorizes the court to grant a motion to relieve a party from a final judgment, order, or proceeding because of fraud, misrepresentation, or misconduct by an opposing party. For example, misconduct for which relief may be granted under this provision includes witness tampering, which consists of threatening a witness or attempting to dissuade a witness from testifying.
>
> Under [Civil] Rule 60(b)(3), both intentional and unintentional misrepresentations and failures to disclose are a sufficient basis for relief.
>
> . . .
>
> Courts determining [Civil] Rule 60(b)(3) motions always require proof that the alleged fraud or other misconduct prevented the moving party from fully and fairly presenting his or her case at trial.

12 MOORE'S FEDERAL PRACTICE - CIVIL § 60.43[1][a] & [c] (3d ed. 2026) (footnotes omitted). The court uses equitable principles when applying Civil Rule 60(b). See 11 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2857 (3d ed. 2026). Moreover, a Civil Rule 60(b) motion may not be used as a substitute for a timely appeal. Latham v. Wells Fargo Bank, N.A., 987 F.2d 1199, 1203 (5th Cir. 1993).

> [Civil] Rule 60(b)(3) permits a losing party to move for relief from judgment on the basis of "fraud, . . . misrepresentation, or other misconduct of an adverse party." Fed. R. Civ. P. 60(b)(3). To prevail, the moving party must prove by clear and convincing evidence that the verdict was obtained through fraud, misrepresentation, or other misconduct and the conduct complained of prevented the losing party from fully and fairly presenting the defense. See Lafarge Conseils et Etudes, S.A. v. Kaiser Cement & Gypsum Corp., 791 F.2d 1334, 1338 (9th Cir. 1986); Jones v. Aero/Chem Corp., 921 F.2d 875, 878-79 (9th Cir. 1990). [Civil] Rule 60(b)(3) "is aimed at judgments which were unfairly obtained, not at those which are factually incorrect." In re M/V Peacock, 809 F.2d 1403, 1405 (9th Cir. 1987).

De Saracho v. Custom Food Mach., Inc., 206 F.3d 874, 880 (9th Cir. 2000). A motion under Civil Rule 60(b)(3) must be denied if the court finds that the non-moving party did not engage in misconduct and the judgment was not unfairly procured. Id. Further, Civil Rule 60(b)(3) requires that the alleged fraud "not be discoverable by due diligence before or during the proceedings." Casey v. Albertson's Inc., 362 F.3d 1254, 1260 (9th Cir. 2004) (quoting Pac. & Arctic Ry. and Navigation Co. v. United Transp. Union, 952 F.2d 1144, 1148 (9th Cir. 1991)).

> A creditor seeking to except a debt from discharge under § 523(a)(2)(A) based on false pretenses, false representation, or actual fraud bears the burden of proving by a preponderance of the evidence five elements:
>
> (1) misrepresentation(s), fraudulent omission(s), or deceptive conduct;
>
> (2) knowledge of the falsity or deceptiveness of such representation(s), omission(s), or conduct;
>
> (3) an intent to deceive;
>
> (4) justifiable reliance by the creditor; and
>
> (5) damage to the creditor proximately caused by its reliance.

Cardenas v. Shannon (In re Shannon), 553 B.R. 380, 388 (B.A.P. 9th Cir. 2016) (citations omitted).

For a representation regarding future performance to be actionable under § 523(a)(2)(A), a debtor must lack an intent to perform when the promise was made. See Donaldson v. Hayes (In re Hayes), 315 B.R. 579, 587 (Bankr. C.D. Cal. 2004) (citing Anastas v. Am. Sav. Bank. (In re Anastas), 94 F.3d 1280, 1285 (9th Cir. 1996)). A mere failure to fulfill a promise to pay a debt is not fraudulent as to render the debt non-dischargeable, absent proof that the promise was made with the intent not to pay or knowing that payment would be impossible. See Citibank (S.D.) N.A. v. Lee (In re Lee), 186 B.R. 695, 699 (B.A.P. 9th Cir. 1995)(quotation omitted).

Analysis

Here, the grounds asserted by Plaintiff for his motion were raised by Plaintiff at the one-day trial held before this court both during Plaintiff’s opening statement as well as during Plaintiff’s cross-examination of Defendant’s witnesses. Thus, the alleged fraud was discoverable during the proceedings and cannot be the basis for a new trial under Civil Rule 60(b)(3).

Further, because the grounds on which Plaintiff bases his motion under Civil Rule 60(b)(3) were already raised at the one-day trial, this court considered Plaintiff’s views of the facts in its ruling on the Civil Rule 52(c) oral motion.

As a procedural matter, there was no closing argument because Defendant moved for a directed verdict after Plaintiff closed the presentation of his case under Civil Rule 52(c). Civil Rule 52(c) permits the court to find against a party once a party has been fully heard on that issue during a nonjury trial. After Plaintiff was permitted to fully present his case, counsel for Defendant moved for a directed verdict that Plaintiff had not met the elements required to prevail on his claim for relief under 11 U.S.C. § 523(a)(2)(A).

In preparing to rule on this motion, the court reviewed the relevant portion of the audio recording of the one-day trial held on June 2, 2026, including Plaintiff’s response to the Civil Rule 52(c) motion. Based on that review, after counsel for Defendant made his oral motion, the court heard argument from Plaintiff against the motion. In that argument, Plaintiff raised the issue of the nearly verbatim alternate direct testimony declarations and the alleged timeline of when Defendant wrote the check to Plaintiff and then filed her bankruptcy case. These are the same points Plaintiff now asserts that Plaintiff was not able to raise for the court to consider. That is not the case.

Plaintiff did raise those points to the court during the one-day trial, and the court considered those arguments when it ruled in favor of Defendant.

As explained by the court in its oral ruling at the trial, the key issue in the case was whether, at the time Defendant gave Plaintiff a check for the repairs to Defendant's vehicle, Defendant intended to honor that check. Based on the stipulated facts, the alternate direct testimony and the cross-examination at the trial, the court determined that at the time Defendant handed the check to Plaintiff for the repairs to Defendant's car, there were sufficient funds in Defendant's bank account to honor that check and Defendant intended to pay Plaintiff. Because Plaintiff had not established by a preponderance of the evidence that Defendant did not intend to honor the check when the check was delivered to Plaintiff, the court granted the Civil Rule 52 motion. Plaintiff's disagreement with this court's due consideration of the evidence before this court is not grounds to conduct a new trial.

Accordingly, the motion is DENIED.

3. 19-11628-A-12 **IN RE: MIKAL JONES**
19-1081 CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-28-2019 [1]

DILDAY ET AL V. JONES
RILEY WALTER/ATTY. FOR PL.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to December 10, 2026 at 11:00 a.m.

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

Pursuant to the joint status report filed on July 15, 2026 (Doc. #247), the status conference will be continued to December 10, 2026 at 11:00 a.m. The parties shall file either joint or unilateral status report(s) not later than December 3, 2026.

4. 26-11660-A-7 **IN RE: CARL GARCIA**
26-1026 CAE-1

STATUS CONFERENCE RE: COMPLAINT
5-15-2026 [1]

GARCIA V. UNITED STATES DEPARTMENT OF EDUCATION
ANTHONY ROTHMAN/ATTY. FOR PL.

NO RULING.

5. 26-11064-A-7 **IN RE: NANCY CONTRERAS**
26-1030 CAE-1

STATUS CONFERENCE RE: COMPLAINT
5-21-2026 [1]

CONTRERAS V. NELNET ET AL
NANCY CONTRERAS/ATTY. FOR PL.

NO RULING.

6. 23-23376-A-7 **IN RE: JOSEPH/RACHEL DIAZ**
25-2112

CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT FOR REVOCATION OF DISCHARGE
8-28-2025 [1]

FARRIS V. DIAZ ET AL
GABRIEL HERRERA/ATTY. FOR PL.

NO RULING.

7. 25-27378-A-7 **IN RE: PAUL KOSZALKA AND REBEKAH ELLIS**
26-2061 CAE-1

STATUS CONFERENCE RE: COMPLAINT
6-4-2026 [1]

EVANS V. KOSZALKA ET AL
RESPONSIVE PLEADING

NO RULING.

8. 24-12679-A-7 **IN RE: MOHAMAD/NEDAA SULIEMAN**
26-1021 CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-11-2026 [1]

EDMONDS V. SULIEMAN
ANTHONY JOHNSTON/ATTY. FOR PL.
DISMISSED 7/16/26

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on July 16, 2026. Doc. #26.

9. 24-12679-A-7 **IN RE: MOHAMAD/NEDAA SULIEMAN**
26-1021 FW-1

MOTION TO SET ASIDE AND/OR MOTION TO ACCEPT LATE-FILED ANSWER
7-1-2026 [17]

EDMONDS V. SULIEMAN
PETER SAUER/ATTY. FOR MV.
DISMISSED 7/16/26

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 adversary proceeding was entered on July 16, 2026. Doc. #26. Therefore, this motion is DENIED AS MOOT.

10. 19-15081-A-13 **IN RE: CHRISTOPHER/KERRI TYSON**
25-1023 CAE-1

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
2-3-2026 [39]

TYSON ET AL V. AMERICAN EDUCATION SERVICES ET AL
SCOTT LYONS/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

11. 26-10694-A-7 **IN RE: NATASHA CASTILLO-LOPEZ AND FABIAN LOPEZ-LLORT**
26-1029 CAE-1

STATUS CONFERENCE RE: COMPLAINT
5-20-2026 [1]

CASTILLO-LOPEZ ET AL V. UNITED STATES DEPARTMENT OF EDUCATION

NO RULING.

12. 22-21094-A-7 **IN RE: DE ANA/THOMAS PAGE**
26-2028 CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-6-2026 [1]

BAKKEN V. PAGE ET AL
GABRIEL HERRERA/ATTY. FOR PL.

NO RULING.

13. 26-10699-A-7 **IN RE: ORLANDO/KARINA RODRIGUEZ**
26-1027 CAE-1

STATUS CONFERENCE RE: COMPLAINT
5-15-2026 [1]

RODRIGUEZ V. UNITED STATES DEPARTMENT OF EDUCATION

NO RULING.