



**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**  
**Honorable René Lastreto II**  
**Department B – Courtroom #13**  
**Fresno, California**  
**Hearing Date: Wednesday, July 31, 2024**

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

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

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

Please also note the following:

- Parties in interest and/or their attorneys may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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

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

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

## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

9:30 AM

1. [23-11700](#)-B-13     **IN RE: JOSEPH/VALERIE RODRIGUEZ**  
[BDB-2](#)

MOTION TO VALUE COLLATERAL OF QUANTUM3 GROUP LLC  
6-15-2024    [\[50\]](#)

VALERIE RODRIGUEZ/MV  
BENNY BARCO/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.

Joseph and Valerie Rodriguez ("Debtors" move for an order from the court setting the value of a swimming pool which secures the claim of Quantum3 Group LLC ("Creditor"). Doc. #50.

This motion will be DENIED without prejudice for failure to follow the Federal Rules of Bankruptcy Procedure ("the Rules").

Creditor is a corporation. Service on corporations is governed by Rule 7004(b)(3) and can be accomplished by mailing a copy of the pleadings to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

Here, Debtors' *Certificate of Service* indicates that the motion was served on "Quantum3 Group LLC as agent for Aqua Finance Inc." and on "Aqua Finance Inc." by first class mail. Doc. #54. Because Debtors did not mail a copy of the pleadings to the attention of an officer, a managing or general agent of Creditor, or other appropriate recipient, service is inadequate, and this motion must be DENIED WITHOUT PREJUDICE.

2. [23-11700](#)-B-13     **IN RE: JOSEPH/VALERIE RODRIGUEZ**  
[BDB-3](#)

MOTION TO MODIFY PLAN  
6-15-2024    [\[55\]](#)

VALERIE RODRIGUEZ/MV  
BENNY BARCO/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to August 28, 2024, at 9:30 a.m.

ORDER:             The court will issue an order.

Joseph and Valerie Rodriguez ("Debtors") move for an order confirming the *First Amended Chapter 13 Plan* dated June 15, 2024. Docs. ##55, 57. Debtor's current plan was confirmed on October 25, 2023. Docs. ##14, 23. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The Debtors will not be able to make all the payments under the plan and comply with the plan. Debtors are currently delinquent \$1,988.73, with an additional plan payment of \$5,920.97 coming due on June 25, 2024. The plan also fails to cure the delinquencies to the class 2 creditors. Finally, the modified plan adds Quantum Group LLC as a class 2 claim, but the court has not yet entered an order on a motion to value the collateral, and the Trustee cannot determine feasibility until it does.

Doc. #60. While Debtors did file a motion for valuation of the subject collateral in the Quantum Group LLC loan, the court has denied that motion without prejudice on procedural grounds. See *Item #1, above*. In any case, regardless of the disposition of the valuation issue, the Debtors must still address the delinquency and feasibility issues.

This motion to confirm plan will be CONTINUED to **August 28, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or all objections to confirmation are withdrawn, the Debtor shall file and serve a written response to the objections no later than fourteen (14) days before the continued hearing date. The response shall specifically address each issue raised in the objection(s) to confirmation, state whether each issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

If the Debtor elects to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than seven (7)

days before the continued hearing date. If the Debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

3. [24-11505](#)-B-13     **IN RE: LUIGI/BRITTNEE TISO**  
[SKI-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CREDITOR CARMAX  
BUSINESS SERVICES, LLC  
6-17-2024    [\[15\]](#)

CARMAX BUSINESS SERVICES,  
LLC/MV  
JERRY LOWE/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to August 28, 2024, at 9:30 a.m.

ORDER:                The court will issue an order.

Secured Creditor CarMax Business Services, LLC ("CarMax") objects to confirmation of the *Chapter 13 Plan* filed by Luigi and Brittnee Tiso (collectively "Debtors") on May 31, 2024 (Doc. #3), on the following basis:

1. Debtors propose to pay CarMax as a Class 2(A) creditor at an interest rate of 5%. CarMax argues that the appropriate *Till* rate should be 11.5%.

Doc. #15. On July 16, 2024, Debtors filed a brief Response averring that Debtors have offered to pay a 9.5% interest rate, which Carmax has accepted and that a Stipulation is forthcoming. Doc. #21. On July 29, 2024, Lilian G. Tsang, the Chapter 13 Trustee ("Trustee") filed a *Response* stating that the Stipulation alluded to, if filed and approved by the court, would require that Debtors' plan payment be increased to \$1,221.00 for 60 months and that the monthly dividend to CarMax be increased to \$675.41 per month. Doc. #22.

This objection will be CONTINUED to **August 28, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days**

**before the hearing.** If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

4. [19-10708](#)-B-13     **IN RE: ANTONIO VENEGAS AND MARTHA JAIMES**  
[MHM-2](#)

CONTINUED MOTION TO RECONVERT CASE FROM CHAPTER 13 TO  
CHAPTER 7  
11-17-2023    [[115](#)]

T. O'TOOLE/ATTY. FOR DBT.

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

DISPOSITION:        Continued to August 28, 2024, at 9:30 a.m.

ORDER:                The court will issue the order.

The court continued the hearing to this date anticipating the Ninth Circuit Bankruptcy Appellate Panel would rule on the appeal of the order denying the motion for reconsideration. As of the date this disposition is posted, the Panel has not yet ruled. There appears to be no reason to proceed with a hearing and that the matter should be continued.

5. [24-11409](#)-B-13     **IN RE: BLANCA MAGANA**  
[RAS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CITIBANK, N.A.  
7-5-2024    [[18](#)]

CITIBANK, N.A./MV  
MARK ZIMMERMAN/ATTY. FOR DBT.  
KELLI BROWN/ATTY. FOR MV.

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

DISPOSITION:        Continued to August 28, 2024, at 9:30 a.m.

ORDER:                The court will issue an order.

Citibank, N.A., not in its individual capacity but solely as Owner Trustee of New Residential Mortgage Loan Trust 2020-RPLI (collectively "Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Blanca Magana ("Debtor") on May 24, 2024, on the following basis:

1. The plan does not provide for cure of prepetition arrears owed to Creditor.

Doc. #18.

This objection will be CONTINUED to **August 28, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtor elects to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtor does not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

6. [18-14914](#)-B-13     **IN RE: MARIA AVILA**  
[LGT-1](#)

MOTION TO DISMISS CASE  
6-20-2024    [\[81\]](#)

LILIAN TSANG/MV  
NIMA VOKSHORI/ATTY. FOR DBT.

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

DISPOSITION:     Withdrawn.

NO ORDER REQUIRED

The chapter 13 trustee withdrew this motion on July 22, 2024. Doc. #85. Accordingly, this matter will be taken off calendar pursuant to the trustee's withdrawal.

7. [23-10914](#)-B-13     **IN RE: JAMIE ALLEN**  
[CAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
6-21-2024    [\[44\]](#)

CAPITAL ONE AUTO FINANCE/MV  
STEPHEN LABIAK/ATTY. FOR DBT.  
CHERYL SKIGIN/ATTY. FOR MV.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                  Denied as moot.

ORDER:                          The court will issue the order

Capital One Auto Finance ("Movant") brings this *Motion for Relief from the Automatic Stay* against Jamie Marie Allen ("Debtor") as to a 2022 Chevrolet Trailblazer LT Sport Utility 4D (the "Property"). Doc. #44.

The confirmed plan reflects that Movant is listed as a Class 4 creditor to be paid directly. Doc. #3, Confirmed Doc. #18. Accordingly, the automatic stay is not in effect as to the Property and Movant is already free "to exercise its rights against its collateral and any non-debtor in the event of a default under applicable law or contract." Doc. #3 at 3.11.

Debtor has filed a response admitting that he is behind and is paying extra amounts above the required monthly payment. Doc. #50.

The court is inclined to DENY this motion as moot. Nevertheless, the court will call this matter as scheduled.

8. [23-10646](#)-B-13     **IN RE: DANNY/ROSEMARY MEDEIROS**  
[JDR-1](#)

MOTION TO MODIFY PLAN  
7-2-2024    [\[38\]](#)

ROSEMARY MEDEIROS/MV  
JEFFREY ROWE/ATTY. FOR DBT.

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

DISPOSITION:                  Denied without prejudice.

ORDER:                          The court will prepare the order.

Danny and Rosemary Medeiros ("Debtors") move for confirmation of their *Amended Chapter 13 Plan* dated July 2, 2024. Docs. #38, 43. This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules.



Motions to modify a Chapter 13 plan are governed by LBR 3015-1(d)(1), which states as follows:

Modified Plans Proposed Prior to Confirmation. If the debtor modifies the chapter 13 plan before confirmation pursuant to 11 U.S.C. § 1323, the debtor shall file and serve the modified chapter 13 plan together with a motion to confirm it. Notice of the motion shall comply with Fed. R. Bankr. P. 2002(a)(9), which requires twenty-one (21) days of notice of the time fixed for filing objections, as well as LBR 9014-1(f)(1). LBR 9014-1(f)(1) requires twenty-eight (28) days' notice of the hearing and notice that opposition must be filed fourteen (14) days prior to the hearing. In order to comply with both Fed. R. Bankr. P. 2002(b) and LBR 9014-1(f)(1), parties in interest shall be served at least thirty-five (35) days prior to the hearing.

LBR 3015-1(d)(1). Here, the motion was filed on July 2, 2024, and set for hearing on July 31, 2024, which is only twenty-nine (29) days. Accordingly, this motion will be DENIED WITHOUT PREJUDICE.

9. [24-11253](#)-B-13     **IN RE: KATHERINE SCONIERS STAPHILL**  
[LGT-2](#)

MOTION TO DISMISS CASE  
6-20-2024    [[31](#)]

DISMISSED 7/10/24

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

DISPOSITION:     Denied as moot.

ORDER:             The court will issue an order.

An order dismissing this case was already entered on July 10, 2024. (Doc. #37). The motion will be DENIED AS MOOT.

10. [24-11354](#)-B-13     **IN RE: PEDRO RIVERA MARTINEZ AND MARIA GARCIA**  
[PBB-1](#)

MOTION TO VALUE COLLATERAL OF TOYOTA FINANCIAL SERVICES  
6-20-2024    [\[16\]](#)

MARIA GARCIA/MV  
PETER BUNTING/ATTY. FOR DBT.  
RESPONSIVE PLEADING

**After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.**

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.

Pedro Rivera Martinez and Maria Garcia (collectively "Debtors") move for an order valuing a 2019 Dodge Challenger GT with 65,306 miles ("Vehicle") at \$22,763.00 under 11 U.S.C. § 506(a). Doc. #16. Vehicle is encumbered by a purchase money security interest in favor of Toyota Financial Services. ("Creditor"). *Id.*; cf. Proof of Claim No. 10-1. Debtor complied with Fed. R. Bankr. P. 3012(b) and 7004(b) (3) by serving Creditor's CEO/CFO at Creditor's headquarters on June 20, 2024. Doc. #20.

Creditor filed an opposition to the motion which Creditor subsequently withdrew. Doc. ##26, 29. No other party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee, 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 amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 1325(a)(\*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the

collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a)(1), which applies to all debtors under this title, states:

An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to set off is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

11 U.S.C. § 506(a)(2) states:

If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.

Here, Debtors borrowed money from Creditor to purchase Vehicle on or about November 14, 2021, which is more than 910 days preceding the May 20, 2024, petition date. Doc. #18; POC #10-1. Thus, the elements of § 1325(a)(\*) are not met and § 506 is applicable.

Joint debtor Maria Carmen Garcia declares Vehicle has a replacement value of \$22,763.00 as of the petition date. Doc. #18. Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition except for Creditor, who later withdrew the objection. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at \$22,763.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

11. [23-12066](#)-B-13     **IN RE: DONALD/JOY RICKETTS**  
[DMG-1](#)

CONTINUED MOTION FOR COMPENSATION FOR D. MAX GARDNER,  
DEBTORS ATTORNEY(S)  
6-13-2024    [\[62\]](#)

D. GARDNER/ATTY. FOR DBT.

**After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.**

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

DISPOSITION:     Granted as modified.

ORDER:             The movant will prepare the order.

D. Max Gardner ("Applicant"), attorney for Donald and Joy Ricketts (collectively "Debtors"), requests interim compensation in the sum of **\$10,215.34** under 11 U.S.C. § 331, subject to final review pursuant to § 330. Docs. ##62, 65. This amount consists of **\$10,170.42** in fees and **\$44.92** in expenses from September 18, 2023, through June 13, 2024. *Id.* For the reasons outlined below, the court will GRANT the motion but will limit the compensation awarded to **\$6,000.00** in fees and **\$44.92** in expenses.

On July 19, 2024, Applicant filed a *Supplemental Document* wherein Debtors consented to "the granting of the Application for the flat fee amount requested in the sum of \$6,000.00." Doc. #72. Applicant also filed a supplemental *Exhibit B* consisting of an invoice for his prepetition work. Doc. #73. Finally, Applicant filed a Declaration averring (a) that while he incurred \$3,041.50 in legal fees prepetition, he wishes to treat the \$2,000.00 prepetition retainer as full satisfaction of the prepetition bill, and (b) that Debtors consent to a flat fee payment of \$6,000.00 but that Applicant may seek payment of the unapproved balance at a future date. Doc. #71.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and Fed. R. Bankr. P. 2002(a)(6). A hearing in this matter was conducted on July 10, 2024, and continued to July 31, 2024, to allow Applicant to supplement the record. Doc. #67. Written opposition was not required prior to the hearing. On the prior hearing date, no party in interest appeared in opposition, and the defaults of all non-responding parties were entered. Doc. 67.

Section 3.05 of the *Chapter 13 Plan* dated September 18, 2023, confirmed December 22, 2023, indicates that Applicant was paid \$2000.00 prior to filing the case and, subject to court approval, additional fees of \$6,000.00 shall be paid through the plan upon court approval by filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, and Rules 2002, 2016-17. Docs. ##7, 51. Applicant declares that the entirety of the \$2,000.00 retainer was expended on prepetition work. Doc. #65. The billing records accompanying the Application are silent as to what fees and expenses were incurred prior to the September 18, 2023, petition date. Doc.

#64. However, on July 19, 2024, Applicant filed a supplemental *Exhibit* in the form of an invoice for legal work performed prepetition consisting of 7.9 billable hours at a total cost of \$3,041.50. Doc. #73. The court is satisfied that the prepetition retainer was fully expended on prepetition work.

This is Applicant's first fee application. Doc. #62. Applicant represents that he was the only person to provide legal services for Debtors. *Id.* Applicant provided 26.30 billable hours at \$385 per hour, totaling **\$10,170.42** in fees. Docs. ##62, 64. Applicant also incurred **\$44.92** in expenses:

Postage	\$17.92
Reproduction	\$27.00
<b>Total Expenses</b>	<b>\$44.92</b>

*Id.* These combined fees and expenses total **\$10,215.34**.

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3).

Applicant's services here included, without limitation: case administration, fee/employment objections, litigation, meetings of creditors, and relief from stay proceedings. Docs. ##62, 64. The court finds these services and expenses reasonable, actual, and necessary. No party in interest timely filed written opposition.

At the time of the July 10 hearing, certain aspects of this Application gave the court pause. First, Applicant acknowledged that he received a \$2,000.00 retainer prepetition, and he avers that all of it "was utilized for pre-petition work." Doc. #65. However, the billing records submitted commence on the filing date and give no indication of what work was performed or what attorney fees or expenses were incurred prepetition. Doc. #64. The court's concerns on that point were resolved by the supplemental *Exhibit* detailing Applicant's prepetition work for Debtors.

Second, the confirmed plan calls for a maximum of \$6,000.00 to be paid through the plan. Doc. #7. Any additional attorney's fees awarded would have to be paid by Debtors outside the plan and must be approved by the court utilizing the lodestar method. Applicant does not address the lodestar method or its application to this case, and the court is reticent to comb the billing records and come to its own lodestar analysis without input from Applicant.

Moreover, the plan contains no special provisions which contemplate attorneys' fees beyond \$6,000.00 to be paid by Debtors outside the plan and/or post-discharge. *Id.* Likewise, the employment agreement governing the attorney-client relationship in this case was not

included as an exhibit, and no statement by Debtors indicating that they read and approved the Application was contained among the moving papers. Consequently, the court expressed doubts as to whether, on the record before it, it could grant an award of attorney's fees beyond the \$6,000.00 to be paid through the plan.

Apparently conceding this point, the supplemental documents filed by Applicant indicate that he does not oppose the payment of the \$6,000.00 called for by the plan and may seek further payment in the future subject to plan modification and further application to the court. The Plan will need to be amended to provide for post-discharge payment of attorney's fees. Language permitting such arrangements have been approved by the court before and should be readily available through the Trustee's office.

No party in interest opposed the motion at the July 10 hearing. Accordingly, based on the supplemental filings, this motion will be GRANTED. Applicant shall be awarded **\$6,000.00** in fees as reasonable compensation for services rendered and **\$44.92** in expenses. The chapter 13 trustee will be authorized to pay Applicant **\$6,044.92** through the confirmed plan for services and expenses from September 18, 2023, through June 13, 2024.

11:00 AM

1. [21-12407](#)-B-13    **IN RE: MANUELA BETTENCOURT**  
[24-1011](#)    [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
5-17-2024    [\[7\]](#)

BETTENCOURT V. NAVIENT  
SOLUTIONS, LLC ET AL  
SUSAN SILVEIRA/ATTY. FOR PL.  
DISMISSED 7/17/24

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

DISPOSITION:    Concluded and dropped from calendar.

No order is required.

This case was dismissed on July 17, 2024. Doc. #21. Accordingly,  
this status conference is CONCLUDED and DROPPED from the calendar.

2. [23-12831](#)-B-7    **IN RE: EMANUEL SILVA**  
[24-1005](#)    [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
4-8-2024    [\[1\]](#)

EDMONDS V. SILVA, JR. ET AL  
ANTHONY JOHNSTON/ATTY. FOR PL.  
CONT'D TO 9/25/24 PER ECF ORDER NO. 19

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

DISPOSITION:    Continued to September 25, 2024, at 11:00 a.m.

No order is required.

Pursuant to a prior order of the court (see Doc. #19), this status  
conference has been CONTINUED to September 25, 2024, at 11:00 a.m.

3. [24-10546](#)-B-12    **IN RE: MAXIMINIO/MARIE SILVEIRA**  
[24-1014](#)    [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
6-4-2024    [\[1\]](#)

BANK OF THE SIERRA V. SILVEIRA  
ET AL  
DON POOL/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

4. [23-10457](#)-B-11     **IN RE: MADERA COMMUNITY HOSPITAL**  
[23-1024](#)

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

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

NO RULING.

5. [23-10457](#)-B-11     **IN RE: MADERA COMMUNITY HOSPITAL**  
[23-1024](#)     [PSJ-1](#)

MOTION TO COMPEL , MOTION TO DISMISS CAUSE(S) OF ACTION FROM  
COMPLAINT , MOTION TO STAY  
7-3-2024    [[73](#)]

RUBIO V. MADERA COMMUNITY  
HOSPITAL  
PAUL JASPER/ATTY. FOR MV.  
RESPONSIVE PLEADING

NO RULING.