UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, August 6, 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.

1. 26-12410-A-13 **IN RE: LATRICE GONZALEZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-17-2026 [14]

LILIAN TSANG/MV
MOHAMMAD MOKARRAM/ATTY. FOR DBT.

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

DISPOSITION: Continued to September 24, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Latrice Moniz Gonzalez ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on May 26, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor needs to file an amended Schedule C as well as amended Forms 122C-1 and 122C-2; (2) Debtor has failed to provide requested documents to Trustee; and (3) the meeting of creditors has not concluded. Doc. #14. Debtor's § 341 meeting of creditors has been continued to August 27, 2026 at 2:00 p.m. See court docket entry entered on July 30, 2026.

This objection will be continued to September 24, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than September 10, 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 Debtor's position. Trustee shall file and serve a reply, if any, by September 17, 2026.

If 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 September 17, 2026. If Debtor does 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.

2. 25-13917-A-13 **IN RE: THOMAS/JENNIFER ANAYA**
WJH-3

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-9-2026 [61]

ZINC FINANCIAL, INC./MV
JERRY LOWE/ATTY. FOR DBT.
STEVEN VOTE/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

Movant Zinc Financial, Inc. ("Movant") seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to (a) real property located at 13250 Road 28 1/2, Madera, California 93638 ("Property"), and (b) a state court action pending in Madera County Superior Court as Case No. MCV092675 (the "State Court Action") filed by a third party against debtors Thomas Anaya Jr. and Jennifer Angela Anaya (together "Debtors") and Movant. Doc. #61.

Pre-petition, Movant provided a loan to Debtors in June 2024, which was secured by the Property. Decl. of Todd Pigott, Doc. #64. Debtors agreed to make interest only payments for a twelve (12) month period, and the loan matured on July 1, 2025. Id. Debtors did not pay off the amount due at the time of maturity and were granted an extension to move the maturity date into late 2025. Id. Debtors filed this chapter 13 bankruptcy case on November 21, 2025. Doc. #1. Movant has not received any payments from Debtors on the loan since before Debtors filed the instant bankruptcy case. Pigott Decl., Doc. #64. Further, while Debtors originally provided for Movant's claim in their chapter 13 plan, Debtors intentionally omitted Movant's claim in their modified chapter 13 plan with the understanding of the consequence of that decision. Decl. of Steven K. Vote, Doc. #63.

On August 13, 2024, also prepetition, Louis Anthony Gonzales ("Plaintiff") filed the State Court Action against Debtors and Movant for quiet title, financial elder abuse, cancellation of instrument, fraud, intentional infliction of emotional distress and negligence. Vote Decl., Doc. #63; Ex. F, Doc. #65. As part of Plaintiff's claims, Plaintiff alleges that Ms. Anaya is Plaintiff's ex-stepdaughter and asserts Debtors fraudulently induced Plaintiff into executing a deed transferring title to the Property to Debtors. Vote Decl., Doc. #63. Plaintiff has recorded a notice of pendency of action in the chain of title for the Property. Id.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the automatic stay for cause. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985). When a movant prays for relief from the automatic stay to initiate or continue non-bankruptcy court proceedings, a bankruptcy court may consider the "Curtis factors" in making its decision. In re Kronemyer, 405 B.R. 915, 921 (9th Cir. B.A.P. 2009). "[T]he Curtis factors are appropriate, nonexclusive, factors to consider in determining whether to grant relief from the automatic stay" to allow litigation in another forum. Id. The Curtis factors include: (1) whether the relief will result in a partial or complete resolution of the issues; (2) the lack of any connection with or interference with the bankruptcy case; (3) whether the non-bankruptcy forum has the expertise to hear such cases; (4) whether litigation in another forum would prejudice the interests of other creditors; and (5) the interest of judicial economy and the expeditious and economical determination of litigation for the parties. In re Curtis, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984).

After review of the included evidence, the court finds that "cause" exists to lift the stay as to the Property because Debtors have failed to make any post-petition payments. Vote Decl., Doc. #63. Movant has produced evidence that Debtors are delinquent by at least $104,163.47 as of January 29, 2026, and because the loan is now in default, the total loan amount is now due. Id.; Claim 11.

Turning to the State Court Action, granting Movant's relief from the automatic stay will allow Movant to proceed to defend itself against Plaintiff's claims. Movant believes not granting relief from stay as to the State Court Action will prejudice Movant because Movant will have to wait until Debtors complete their chapter 13 plan for the State Court Action to proceed and for the competing claims to title to be adjudicated. Pigott Decl., Doc. #64. Debtors have not opposed the motion. The court finds that cause exists to lift the stay as to the State Court Action pursuant to 11 U.S.C. § 362(d)(1).

Accordingly, the motion is GRANTED pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to pursue remedies in accordance with applicable non-bankruptcy law as to the Property and to proceed to defend itself in the State Court Action. No other relief is awarded.

3. 26-11522-A-13 **IN RE: THEONNA HILL**
TLH-2

MOTION TO CONFIRM PLAN
7-2-2026 [34]

THEONNA HILL/MV
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 and for the debtor's failure to comply with this court's Local Rules of Practice ("LBR").

Regarding improper notice, LBR 9014-1(d)(1) requires in relevant part that "[e]very application, motion, contested matter or other request shall be comprised of a motion, . . . notice, evidence, and a certificate of service." LBR 3015-1(d)(1) requires that a motion to confirm a modified plan must be served on parties in interest at least thirty-five (35) days prior to the hearing. Here, the debtor served the motion, plan and notice of hearing on July 2, 2026 (Doc. ##34, 35), which is 35 days prior to the hearing date, but served her declaration in support of the motion to confirm on July 23, 2026 (Doc. #45), which is only 14 days prior to the hearing date. Because the evidence in support of the motion to confirm, which is part of the motion pursuant to LBR 9014-1(d)(1), was not served at least 35 days prior to the hearing date, the court deems service of the motion to be improper.

As a further procedural matter, the certificate of service included a custom list where only three parties were served. Doc. #37. However, a motion to confirm plan must be served on all creditors and parties in interest, which was not done here. Because the master mailing list filed in this case has more than six parties (Doc. #3), a custom list is not permitted under LBR 7005-1(a). Instead, not more than 7 days prior to the date notice was served, the moving party needs to use the court's website to generate a Clerk's Matrix of Creditors, a Matrix of Registered Users of the Electronic Filing System and a list of persons who have filed Requests for Special Notice to serve the motion and supporting papers and attach those lists to the certificate of service. Instructions on how to generate the required lists can be found on the court's website using the following link: GeneratingMailingListsandLabelsQuickReference.pdf (uscourts.gov).

As a further procedural matter, the notice of hearing filed in connection with this motion does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice include the names and addresses of persons who must be served with any opposition. The notice of hearing also does not comply with LBR 9014-1(d)(3)(B)(iii), which requires the notice to advise respondents that they can determine whether the matter has been resolved without oral argument or whether the court has issued a tentative ruling by viewing the court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing, and that parties appearing telephonically must view the pre-hearing dispositions prior to the hearing.

As an informative matter, in any future plan and motion to confirm the debtor may file, the debtor may want to address the additional objections to confirmation set forth in the opposition filed by the chapter 13 trustee to this motion to confirm. See Doc. #42.

Even though the debtor is representing herself in this bankruptcy case, the debtor is still required to comply with procedural requirements. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), overruled on other grounds, Lacey v. Maricopa Cty., 693 F.3d 896 (9th Cir. 2012) ("Pro se litigants must follow the same rules of procedure that govern other litigants."). The court encourages the debtor to review the local rules to ensure compliance in future matters or those matters also 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.

4. 26-10133-A-13 **IN RE: VIRGIL/SUZANNE TUMANENG**
MSN-1

MOTION TO CONFIRM PLAN
6-1-2026 [32]

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

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

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. 26-10137-A-13 **IN RE: BRAYAN MARQUEZ**
MGG-2

MOTION TO CONFIRM PLAN
6-22-2026 [42]

BRAYAN MARQUEZ/MV
MATTHEW GRECH/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 modified plan on July 20, 2026 (MGG-4, Doc. #71), with a motion to confirm the modified plan set for hearing on August 27, 2026 at 9:30 a.m. Doc. ##67-72.

6. 26-11041-A-7 **IN RE: MATTHEW MORALEZ**
LGT-3

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
6-23-2026 [32]

LILIAN TSANG/MV
BENNY BARCO/ATTY. FOR DBT.
CONVERTED 7/2/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This bankruptcy case was voluntarily converted to chapter 7 on July 2, 2026. Doc. #42. The debtor also filed an amended Schedule C. Doc. #48. Therefore, the objection to the debtor's claim of exemptions is OVERRULED AS MOOT.

7. 26-10546-A-13 **IN RE: JAMES LEACH AND EBONY GRAHAM**
LGT-2

MOTION TO DISMISS CASE
5-29-2026 [32]

LILIAN TSANG/MV
NEIL SCHWARTZ/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 debtors 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 debtors are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtors that is prejudicial to creditors. Doc. #32. Specifically, Trustee asks the court to dismiss this case for the debtors' failure to: (1) provide Trustee with required documents; (2) accurately file schedules and/or statements; and (3) make payments due under the plan. As of May 29, 2026, plan payments are delinquent in the amount of $4,143.40 with further payments coming due while this motion is pending. In addition to the delinquency amount, the debtors must make the monthly plan payment of $3,521.70 for June 25, 2026 and July 25, 2026. Doc. #32; Decl. of Rosa Garcia, Doc. #34. The debtors 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 the debtors that is prejudicial to creditors because the debtors have 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 debtors have failed to make all payments due under the plan.

A review of the debtors' Schedules A/B, C and D shows that there is no non-exempt equity in the debtors' assets after considering secured claims and the debtors' claimed exemptions. Doc. #1. Because there is no non-exempt equity in the debtors' assets to be realized for the benefit of the estate if the debtors' 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.

8. 25-10254-A-13 **IN RE: LUIS RODRIGUEZ**
AVN-2

MOTION TO REFINANCE
7-2-2026 [37]

LUIS RODRIGUEZ/MV
ANH NGUYEN/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.

Luis Rodriguez ("Debtor"), the chapter 13 debtor in this case, moves the court for an order authorizing Debtor to modify his existing mortgage. Doc. #37. Debtor seeks to modify the mortgage on his primary residence located at 8549 Aspen Ave., California City, California 93505 ("Residence"). Id. The modification will change the total due on the mortgage to $303,067.00, and will change the interest rate on the mortgage to 6.124% resulting in a payment of $2,366.00 per month. Decl. of Luis Rodriguez, Doc. #39. Debtor will make all of his mortgage payments in Class 4 under his plan. Id.; Doc. #37.

LBR 3015-1(h)(1)(E) provides that "if the debtor wishes to incur new debt . . . 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."

It appears that motion was served and noticed properly, and no timely written opposition was filed. There is no indication that Debtor is not current on his chapter 13 plan payments or that the chapter 13 plan is in default. Debtor's Schedules I and J demonstrate an ability to pay future plan payments, projected living expenses, and the modified debt. The modified debt is a single loan incurred only to modify the existing debt encumbering Debtor's Residence. The only security for the modification will be Debtor's Residence.

Accordingly, this motion is GRANTED. Debtor is authorized, but not required, to modify the existing mortgage in a manner consistent with the motion.

9. 26-12554-A-13 **IN RE: ALEJANDRO ARREDONDO CORTES AND REBECCA ARREDONDO**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-20-2026 [13]

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

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

DISPOSITION: Continued to September 24, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Alejandro Arredondo Cortes, Sr. and Rebecca Ann Arredondo (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on May 29, 2026. Doc. ##1, 4. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) an amended disclosure of compensation needs to be filed to add the required language of the standard form; and (2) an amended Schedule A/B needs to be filed to list Debtor's pension or retirement account as listed in Debtor's Schedule I. Doc. #13.

This objection will be continued to September 24, 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 September 10, 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 September 17, 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 September 17, 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.

10. 26-11769-A-13 **IN RE: JAYPEE PACAMALAN**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
6-3-2026 [13]

LILIAN TSANG/MV
THOMAS MOORE/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

Jaypee Estela Pacamalan ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on April 21, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objected to confirmation of the Plan because: (1) Trustee requested a declaration from the source of the income listed in

Schedule I as "finance assistance" stating that monthly income of $1,333.33 will continue throughout the lifetime of the Plan; and (2) the meeting of creditors had not yet concluded. Doc. #13. The court continued this matter to August 6, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by July 23, 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 30, 2026. Order, Doc. #17.

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.

11. 25-13370-A-13 **IN RE: FORTINO TORRES**
LGT-2

MOTION TO DISMISS CASE
6-22-2026 [39]

LILIAN TSANG/MV
SUSAN SILVEIRA/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.

The trustee's motion to dismiss will be continued to August 27, 2026 at 9:30 a.m. to be heard in connection with the hearing on the debtor's motion to modify plan (SDS-2). Doc. ##43-47.

12. 26-12570-A-13 **IN RE: IVAN/MAYRA ZUNIGA**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-17-2026 [23]

LILIAN TSANG/MV
JERRY LOWE/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 August 4, 2026. Doc. #28.

13. 26-11671-A-13 **IN RE: TIMA HIM**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
6-5-2026 [20]

NATALI RON/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 22, 2026. Doc. #37.

14. 26-11775-A-13 **IN RE: ENRIQUE BARRUETA**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
6-5-2026 [16]

LILIAN TSANG/MV
SCOTT LYONS/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation on July 23, 2026. Doc. #45.

15. 26-11775-A-13 **IN RE: ENRIQUE BARRUETA**
RH-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CARMAX BUSINESS SERVICES, LLC
5-12-2026 [12]

CARMAX BUSINESS SERVICES, LLC/MV
SCOTT LYONS/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled as moot in part and sustained in part.

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

This objection 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 overrule the objection as moot in part and sustain the objection in part. If opposition is presented at the hearing, the court will consider the opposition and whether a further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Enrique Barrueta, II ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on April 21, 2026. Doc. ##1, 3. CarMax Business Services, LLC ("Creditor") objects to confirmation of the Plan because the Plan fails to (1) pay the full replacement value of Creditor's collateral, and (2) provide the applicable prime plus interest rate required by Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #12. The Plan proposes an interest rate of 7.75%. Plan, Doc. #3. Creditor contends that under Till, the interest rate should be at least 8.75%. Doc. #12.

The party moving to confirm the chapter 13 plan bears the burden of proof to show facts supporting the proposed plan. Max Recovery v. Than (In re Than), 215 B.R. 430, 434 (B.A.P. 9th Cir. 1997).

The Till "formula approach" requires an interest rate "high enough to compensate the creditor for its risk but not so high as to doom the plan." Till, 541 U.S. at 480. This is referred to as the "formula" or "prime-plus" rate, which the Supreme Court held best comports with the purposes of the Bankruptcy Code in the chapter 13 context. Id. at 479-80.

It is generally acknowledged that this approach starts with the national prime rate, which is then adjusted based on a number of factors. While the Supreme Court enunciated some factors to consider in adjusting the "prime-plus" rate upward, the Supreme Court also acknowledged some factors contribute to a reduction in risk (though not necessarily a rate less than prime). Till, 541 U.S. at 475 n.12. The Supreme Court in Till also noted that "if the court could somehow be certain a debtor would complete his plan, the prime rate would be adequate to compensate any secured creditors forced to accept cram down loans." Till, 541 U.S. at 479 n.18.

Creditor argues that the current national prime rate of interest of 6.75% plus at least 2.000% is the appropriate interest rate under Till. Doc. #12. In response, Debtor states that a motion to value collateral of Creditor ("Motion to Value") was entered on July 16, 2026, which valued the subject vehicle at $20,000.00. Order, Doc. #37; Doc. #40. Debtor therefore requests Creditor's objection to confirmation be overruled. Doc. #40. While the Motion to Value resolves Creditor's issue of paying the replacement value in full, the Motion to Value fails to address or resolve the dispute over the proper interest rate required under Till. Based on the evidence currently before the court, the court determines that Debtor has not met his burden of proof to establish that the proposed interest rate of 7.75% satisfies Till.

Accordingly, pending any opposition at hearing, the objection will be OVERRULED AS MOOT as to the Plan paying for the full replacement value of Creditor's collateral and SUSTAINED as to the proposed interest rate in the Plan.

16. 26-12475-A-13 **IN RE: JULIE MEZA**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-14-2026 [19]

LILIAN TSANG/MV
STEPHEN LABIAK/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.

Julie Christine Meza ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on May 29, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because, among other things, the Plan improperly classifies the claim of Ally Bank ("Creditor"). Doc. #19. Specifically, the Plan places Creditor in Class 4, which includes all secured claims that are not delinquent and mature after the completion of the plan to be paid directly by the Debtor or a third party. Plan, Doc. #3. On June 3, 2026, Creditor filed a proof of claim in which the attachments show the loan is in default as of the petition date in the amount of $958.52. Claim 1. Because there was a delinquency of Creditor's claim at the time of filing, the Plan needs to provide for Creditor in Class 2.

Since Creditor cannot be placed in Class 4 because the claim was delinquent at the time of filing the petition, Creditor must be placed in a different class, which requires the filing of a new chapter 13 plan and the noticing of 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 and deny confirmation rather than continue the hearing on Trustee's objection to confirmation to allow a response from Debtor.

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

17. 26-12475-A-13 **IN RE: JULIE MEZA**
RH-1

OBJECTION TO CONFIRMATION OF PLAN BY CARMAX BUSINESS SERVICES, LLC
6-26-2026 [12]

CARMAX BUSINESS SERVICES, LLC/MV
STEPHEN LABIAK/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled as moot.

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

The court is inclined to sustain the trustee's objection to confirmation [LGT-1], calendar matter #16 above. If that is done, this objection to confirmation [RH-1] will be OVERRULED AS MOOT.

18. 26-12577-A-13 **IN RE: MICHAEL/CAROL CURRY**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G TSANG
7-14-2026 [15]

LILIAN TSANG/MV
PAULDEEP BAINS/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 31, 2026. Doc. #19.

19. 25-26081-A-13 **IN RE: JAY/BARBARA SUMERLIN**
DPC-2

CONTINUED MOTION TO DISMISS CASE
5-28-2026 [40]

DAVID CUSICK/MV
PATRICIA WILSON/ATTY. FOR DBT.

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.

On May 28, 2026, the chapter 13 trustee ("Trustee") moved to dismiss the debtors' chapter 13 case under 11 U.S.C. § 1307(c)(6) for failure to file an amended plan and set it for confirmation. Doc. #40. As of May 28, 2026, the debtors were current in their plan payments and had paid a total amount of $56,000.00 into their plan to date. Id.

On June 12, 2026, the debtors filed and served a motion to confirm the debtors' second modified plan and set that motion for hearing on August 6, 2026. Doc. ##46-52. Trustee filed and served a non-opposition to the debtors' motion to confirm plan on July 22, 2026. Doc. #61. The court has granted that motion by final ruling. See calendar matter #20 below.

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. By confirming debtors' second modified plan, it appears that the ground for Trustee's motion to dismiss is satisfied so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(6).

Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

20. 25-26081-A-13 **IN RE: JAY/BARBARA SUMERLIN**
DWL-2

MOTION TO CONFIRM PLAN
6-12-2026 [46]

BARBARA SUMERLIN/MV
PATRICIA WILSON/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. #61. 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.

21. 26-12686-A-13 **IN RE: OLGA LLAMAS**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-20-2026 [13]

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

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

DISPOSITION: Continued to September 24, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Olga Ledia Llamas ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on June 8, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Trustee requests an amended voluntary petition to list Debtor's full name as listed on her Social Security card. Doc. #13. On July 27, 2026, Debtor filed an amended voluntary petition to list Debtor's full name as listed on her Social Security card. Doc. #20.

On August 3, 2026, Trustee filed a supplemental objection stating: (1) the amended voluntary petition filed by Debtor resolves Trustee initial objection; and (2) Debtor did not file a credit counseling certificate showing the completion of credit counseling prior to the filing of Debtor's bankruptcy petition. Doc. #21.

This objection will be continued to September 24, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's supplemental objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than September 10, 2026. The response shall specifically address each issue raised in the supplemental objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by September 17, 2026.

If 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 September 17, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's supplemental objection without a further hearing.

22. 24-22587-A-13 **IN RE: SUSAN FORD**
PLG-2

MOTION TO INCUR DEBT
7-23-2026 [49]

SUSAN FORD/MV
STEVEN ALPERT/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with this court's local rules.

Local Rule of Practice 9004-1(c) requires that affidavits and certifications shall be signed by the person offering the evidentiary material contained in the document. The name of the person signing the document shall be typed underneath the signature. Here, the declaration is not signed by the party offering the evidentiary material. Decl. of Susan Yvette Ford, Doc. #51.

23. 25-26692-A-13 **IN RE: FRANCISCO RUIZ AND IRMA FUENTES**
KLG-3

MOTION TO CONFIRM PLAN
6-25-2026 [55]

IRMA FUENTES/MV
ARETE KOSTOPOULOS/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. #61. 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.

24. 26-13195-A-13 **IN RE: RICHARD ROSSNER**
MAZ-2

MOTION TO EXTEND AUTOMATIC STAY
7-22-2026 [15]

RICHARD ROSSNER/MV
MARK ZIMMERMAN/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 court will issue an order.

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

Richard Edward Rossner Jr. ("Debtor") moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B) and (C). Doc. #15.

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 25-12985 (Bankr. E.D. Cal.) (the "Prior Case"). Debtor filed the Prior Case without counsel on September 2, 2025. Case No. 25-12985, Doc. #1. The Prior Case was dismissed on March 5, 2026. Case No. 25-12985, Doc. #32. Under 11 U.S.C. § 362(c)(3)(A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on July 8, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on August 7, 2026.

Section 362(c)(3)(B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c)(3)(B).

Section 362(c)(3)(C)(i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c)(3)(C)(i).

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c)(3)(C). Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.' Factual contentions are highly probable if the evidence offered in support of them instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition." Emmert v. Taggart (In re Taggart), 548 B.R. 275, 288 n.11 (B.A.P. 9th Cir. 2016) (citations omitted) vacated and remanded on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019).

In this case, the presumption of bad faith arises. In the Prior Case, Debtor, proceeding in pro per, failed to file accurate and/or complete schedules and failed to confirm a plan. A review of the court's docket in the Prior Case disclosed a chapter 13 plan was never confirmed and the chapter 13 trustee ("Trustee") filed a motion to dismiss case on January 28, 2026. Case No. 25-12985, Doc. ##27-30. The court dismissed the Prior Case for unreasonable delay that was prejudicial to creditors, failure to set a modified plan for hearing with notice to creditors, and failure to file accurate and/or complete schedules. Id.; Case No. 25-12985, Doc. #32. Debtor acknowledges the reasons why the Prior Case was dismissed. Decl. of Richard E. Rossner, Jr., Doc. #17.

In support of this motion to extend the automatic stay, Debtor declares that he did not have the knowledge or understanding to file the modified plan in the Prior Case because he was representing himself. Rossner Decl., Doc. #17. Debtor states that he has hired an attorney to represent him for this bankruptcy case. Rossner Decl., Doc. #17. Further, Debtor states he has the financial means and desire to pay his plan payments in this case. Rossner Decl., Doc. #17. Debtor filed a proposed plan on July 8, 2026. Doc. #3. Debtor's Schedules I and J filed in this case list his monthly income in the amount of $7,082.14 and expenses in the amount of $3,261.14, resulting in a monthly net income of $3,821.00. Schedules I and J, Doc. #1. Debtor proposes to apply all of his monthly net income to plan payments in this case. Rossner Decl., Doc. #17.

The court is inclined to find that the Debtor's reasoning for his lack of knowledge and understanding in the Prior Case rebuts the presumption of bad faith that arose from the failure to file accurate and/or complete schedules and the failure to confirm a plan in the Prior Case and that Debtor's petition commencing in this case was filed in good faith. Further, the court recognizes that hiring an attorney to represent Debtor in this case represents a substantial change in circumstances and finds there is reason to conclude that this case will result in a confirmed plan that will be fully performed.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes as to those parties that received notice of Debtor's motion (see Doc. #18), unless terminated by further order of the court.

25. 25-25796-A-13 **IN RE: JONATHAN CLINE**
DPC-2

CONTINUED MOTION TO DISMISS CASE
4-7-2026 [52]

DAVID CUSICK/MV
JESSICA GALLETTA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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.

On April 7, 2026, the chapter 13 trustee ("Trustee") moved to dismiss the debtor's chapter 13 case under 11 U.S.C. § 1307(c)(1) for failure to file an amended plan and set it for confirmation. Doc. #52.

On May 21, 2026, the debtor filed and served a motion to confirm the debtor's third modified plan and set that motion for hearing on June 25, 2026, which was continued to August 6, 2026 to allow Debtor to respond to Trustee's opposition to the motion to confirm. Doc. ##71-75, 88. The court is inclined to grant that motion, matter #26 below.

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). By confirming the debtor's third modified plan, it appears that all outstanding grounds for Trustee's motion to dismiss is satisfied so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(1) or (c)(6).

Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

26. 25-25796-A-13 **IN RE: JONATHAN CLINE**
GLF-8

CONTINUED MOTION TO CONFIRM PLAN
5-21-2026 [71]

JONATHAN CLINE/MV
JESSICA GALLETTA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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 set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee ("Trustee") timely opposed this motion but no longer opposes this motion if certain language is added to the order confirming the plan. See Opp'n, Doc. #79; Reply, Doc. #95; Non-Opp'n, Doc. #103. 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). Therefore, the defaults of the non-responding parties in interest are entered. 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). 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.

Jonathan Lee Cline ("Debtor"), the chapter 13 debtor, moves the court to confirm Debtor's third modified chapter 13 plan. Doc. #71. Trustee initially objected because: (1) the debtor has failed to show he can make Plan payments; (2) the Plan proposes Trustee hold pre-petition arrears; (3) the calculation for attorney fees proposes double the amount allowed by LBR 2016-1(c)(4)(C); and (4) the non-standard provisions of the Plan change the treatment of a Class 2(A) creditor. Tr.'s Opp'n, Doc. #79. Based on Debtor's response to Trustee's opposition, Trustee no longer opposes Debtor's motion to confirm. Doc. ##95, 103. However, Trustee recommends the motion be granted with Debtor's attorney's fees to "receive payments of $500 x 5, $109.09 x 55, and a final payment of $0.05 paid on plan completion." Doc. #103.

Accordingly, pending Debtor consenting at the hearing to incorporating Trustee's recommended language in the order confirming the plan, the motion to confirm Debtor's third modified plan will be GRANTED. The proposed order shall reflect Trustee's requested language.

27. 26-12194-A-13 **IN RE: MICHELLE/RONALD RIVERA**
LGT-1

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

LILIAN TSANG/MV
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 August 3, 2026. Doc. #30.

1. 24-11422-A-12 **IN RE: IGNACIO/CASAMIRA SANCHEZ**
   26-1002 CAE-1

   CONTINUED STATUS CONFERENCE RE: COMPLAINT
   2-3-2026 [1]

   SANCHEZ ET AL V. ARRIOLA FARM LABOR, INC.
   PETER SAUER/ATTY. FOR PL.
   CLOSED 7/20/26

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

DISPOSITION: Dropped from calendar

NO ORDER REQUIRED.

A judgment in favor of the plaintiff was entered on July 2, 2026. Doc. #34. Accordingly, this status conference is dropped from calendar.

2. 24-22876-A-7 **IN RE: JARED/ERIN CULLOP**
   26-2065 CAE-1

   STATUS CONFERENCE RE: COMPLAINT
   6-8-2026 [1]

   BIRNBERG V. CONTINUANT, INC.
   J. CUNNINGHAM/ATTY. FOR PL.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 1, 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.

On July 31, 2026, this court entered the defendant's default and required the plaintiff to file a motion for default judgment within the next 30 days. Doc. #11. Because such a motion requires at least 28 days' notice prior to the hearing date, this status conference is continued to October 1, 2026 at 11:00 a.m.

As an informative matter, this adversary proceeding was commenced in this division on June 8, 2026 because the underlying bankruptcy case had been transferred to this department after the retirement of Judge Clement. See court docket entered on February 10, 2026 in Case No. 24-22876. It is expected that the underlying bankruptcy case and this adversary proceeding will both be transferred back to the Sacramento division on or before September 1, 2026. Assuming that is the case, it is likely this status conference will be re-noticed for hearing in Sacramento.

3. 21-10679-A-13 **IN RE: SYLVIA NICOLE**
25-1020 LBT-1

MOTION FOR SUMMARY JUDGMENT
6-18-2026 [44]

NICOLE V. LOS BANOS TRANSPORT & TOWING
RESPONSIVE PLEADING

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

DISPOSITION: Continued to August 13, 2026 at 11:00 a.m.

ORDER: The court will issue an order.

On May 21, 2026, the court ordered that the defendant could file and served a motion for summary judgment on or before June 18, 2026, with a hearing date of August 13, 2026 at 11:00 a.m. Doc. #41.

The defendant filed a motion for summary judgment on June 18, 2026, and served that motion on June 19, 2026. Doc. ##44-52. The defendant noticed the motion for summary judgment for August 6, 2026 instead of August 13, as ordered by the court. Doc. #45. Even though the motion was served one day after the court ordered, the plaintiff filed and served timely opposition. Doc. #53. The defendant filed a timely reply on July 23, 2026. Doc. #56.

The court continues this matter to August 13, 2026 at 11:00 a.m. to be heard with the continued pre-trial conference in compliance with the court's prior order. Doc. #41. No further pleadings are permitted to be filed by the parties with respect to this motion.