



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

**Chief Judge Fredrick E. Clement**  
Sacramento Federal Courthouse  
501 I Street, 7<sup>th</sup> Floor  
Courtroom 28, Department A  
Sacramento, California

**DAY: MONDAY**  
**DATE: AUGUST 18, 2025**  
**CALENDAR: 10:30 A.M. CHAPTER 7 CASES**

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Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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 **Court 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 the 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:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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.

## PRE-HEARING DISPOSITION INSTRUCTIONS

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### RULINGS

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

**"No Ruling"** means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

**"Tentative Ruling"** means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

**"Final Ruling"** means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

### CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

### ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

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1. [25-22907](#)-A-7     **IN RE: SHEKHAR/NAVJYOTI PRABHAKAR**  
[HRH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
7-21-2025    [\[14\]](#)

NICHOLAS WAJDA/ATTY. FOR DBT.  
RAFFI KHATCHADOURIAN/ATTY. FOR MV.  
CROSSROADS EQUIPMENT LEASE AND FINANCE, LLC VS.

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 2022 Peterbilt 579 Tractor Truck

**Value of Collateral:** \$26,000.00

**Aggregate of Liens:** \$34,172.15

These minutes constitute the court's findings of fact and conclusions of law required by Fed. R. Civ. P. 52(a), *incorporated* by Fed. R. Bankr. P. 7052, 9014(c). The findings of fact are as set forth above; the conclusions of law are as set forth below.

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **STAY RELIEF**

"[A]fter notice and a hearing," the court may terminate, annul, modify or condition the stay: (1) "for cause, including the lack of adequate protection"; or (2) "with respect to a stay of an act against property [of the estate]" if the debtor lacks "equity" in that property and if that "property is not necessary for an effective reorganization." 11 U.S.C. § 362(d); *see also* Fed. R. Bankr. P. 4001(a)(1). The party seeking stay relief bears the burden of proof as to "the debtor's equity in the property" and on the validity and perfection of its security interest, as well as the amount of its debt. 11 U.S.C. § 362(g)(1); *In re Dahlquist*, 34 B.R. 476, 481 (Bankr. S.D. 1983). The party opposing stay relief, e.g., the debtor or Chapter 7 trustee, bears the burden of proof on all other issues. 11 U.S.C. § 362(g)(2).

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism

for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982).

In this case, the aggregate amount due all liens exceeds the value of the collateral is \$34,172.15 and the debtor has no equity in the property. As a consequence, the motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Crossroads Equipment Lease and Finance's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2022 Peterbilt 579 Tractor Truck, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

2. [25-24010](#)-A-7     **IN RE: MICHAEL DESENA**  
[SMJ-1](#)

MOTION TO COMPEL ABANDONMENT  
8-4-2025    [\[9\]](#)

SCOTT JOHNSON/ATTY. FOR DBT.

### **Tentative Ruling**

**Motion:** Compel Abandonment of Property of the Estate

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted only as to the business and such business assets described in the motion

**Order:** Prepared by moving party pursuant to the instructions below

**Business Description:** Sole Proprietorship operating as "DeSena Construction" and assets used in the regular course of business listed as 1) 1999 Ford F350, 2) 2007 Best 6x12 Dump Trailer, 3) Used Tools and Construction Equipment valued at \$5,000.00, 4) 20' Storage Container, 5) CA Contractor's License

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The movant bears the burden of proof. *In re Pilz Compact Disc., Inc.*, 229 B.R. 630 (Bankr. E.D. Pa. 1999) (Chapter 7 trustee). "[B]urdensome to the estate" means "consumes the resources and drains the income of the estate." *In re Smith-Douglass, Inc.*, 856 F.2d 12, 16 (4th Cir. 1988). "[O]f inconsequential value and benefit to the estate" refers to assets not likely to be liquidated for the benefit of creditors. 11 U.S.C. § 704(a)(1); *Matter of Taxman Clothing Co.*, 49 F3d 310, 315 (7th Cir. 1995) (Chapter 7 trustee has no duty to liquidate assets where costs of doing so likely to exceed asset's value). Of inconsequential value and benefit to the estate includes assets that (1) have no equity (including post-petition appreciation), *In re Viet Vu*, 245 B.R. 644 (9th Cir. BAP 2000); and (2) assets with equity, which has been wholly and properly exempted by the debtor. *In re Montanaro*, 307 B.R. 194 (Bankr. E.D. Cal. 2004).

Property of the estate may be abandoned under § 554 of the Bankruptcy Code if property of the estate is "burdensome to the estate or of inconsequential value and benefit to the estate." See 11 U.S.C. § 554(a)-(b); Fed. R. Bankr. P. 6007(b). Upon request of a party in interest, the court may issue an order that the trustee abandon property of the estate if the statutory standards for abandonment are fulfilled.

The business described above is either burdensome to the estate or of inconsequential value to the estate. The debtor has scheduled his business, Schedule A/B, ECF No. 1, and believes that the business name has no value. Debtor also states that the assets used in the

ordinary course of business have all been stated and are fully exempted. *Id.* An order compelling abandonment of such business is warranted. The order will compel abandonment of only the business and its assets that are described in the motion.

#### **LOCAL BANKRUPTCY RULE 7005-1**

All creditors must be served and noticed to all creditors in motions to abandon. Federal Rules of Bankruptcy Procedure 6007(a). However, all creditors were not properly served in this matter.

Unless service is on six or fewer parties in interest and a custom service list is used or the persons served are not on the Clerk of the Court's Matrix, the Certificate of Service Form shall have attached to it the Clerk of the Court's Official Matrix, as appropriate: (1) for the case or the adversary proceeding; (2) list of ECF Registered Users; (3) list of persons who have filed Requests for Special Notice; and/or (4) the list of Equity Security Holders.

LBR 7005-1(a).

Because more than six parties were required to be served a custom service list may not be used as an attachment to the Certificate of Service. Counsel has attached a separate custom-made list of creditors to the certificate of service. ECF No. 13. This is not in compliance with LBR 7-005. The rule requires that the Clerk of the Court's Official Matrix.

Since the court's official matrix was not used as required by the rule, creditor Navitas Credit Corp has not been served properly. The address listed on the certificate of service is different than the address listed on the court's official matrix.

Counsel is reminded that a matrix is necessary for matters consisting of six or more creditors.

3. [25-22612](#)-A-7     **IN RE: PERLA GONZALEZ**  
[SLG-1](#)

MOTION TO AVOID LIEN OF AMERICAN EXPRESS NATIONAL BANK  
7-18-2025    [\[15\]](#)

ADAM GARCIA/ATTY. FOR DBT.

### **Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party. A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); *see also In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on FDIC-insured institutions must "be made by certified mail addressed to an officer of the institution" unless one of the exceptions applies. Fed. R. Bankr. P. 7004(h).

Service of the motion was insufficient. Service of the motion was not made by certified mail. No showing has been made that the exceptions in Rule 7004(h) are applicable. See Fed. R. Bankr. P. 7004(h)(1)-(3). Additionally, the certificate of service fails to indicate what parties are to be served. See Certificate of Service, ECF No. 20, p. 2, section 5. As such, the motion will be denied without prejudice.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to avoid lien has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.



4. [25-23217](#)-A-7      **IN RE: BRANDON/LATOYA MASTERS**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
7-16-2025    [[18](#)]

STEVEN DIAMOND/ATTY. FOR DBT.  
RESPONSIVE ENTRY, 7/23/2025

**Final Ruling**

The Order to Show Cause is discharged. No appearances are required. The court will issue a civil minute order.

5. [16-25431](#)-A-7      **IN RE: C./CLAUDIA WRIGHT**  
[SLP-1](#)

MOTION TO AVOID LIEN OF HERITAGE SERVICE CORPORATION  
7-6-2025    [[57](#)]

STACIE POWER/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 09/18/17

**Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party.

**SERVICE**

A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); *see also In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "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." Fed. R. Bankr. P. 7004(b)(3).

Service of the motion was insufficient. Without a certificate of service, the court will not be able to determine whether the motion was mailed to the attention of an officer, managing or general agent, or other agent authorized to accept service. Because no certificate of service was filed, the court is unable to determine if service complies with Fed. R. Bankr. P. 7004(b)(3), 4003.

#### **VIOLATION OF LBR 9014-1(c)**

The docket control number given for this matter violates the court's Local Rules, LBR 9014-1(c), regarding proper use of docket control numbers. When using a docket control number, a party must use both letters (usually initials of the attorney for the movant) and a number. The numerical portion of the docket control number must be "the number that is one number higher than the number of motions previously filed by said attorney" in that particular case. LBR 9014-1(c)(3). Thus, a party may not use the same docket control number on separate matters filed in the same case.

The docket control number used in this motion was used in three previous motions by the debtor - all motions to avoid lien: one filed on January 27, 2025, ECF No. 34, another filed on April 7, 2025, ECF No. 46, and the last filed on May 19, 2025, ECF No. 52.

The court has previously alerted the debtor to both issues on June 23, 2025, ECF No. 55.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to avoid lien has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

6. [22-20632](#)-A-7     **IN RE: SOUTHGATE TOWN AND TERRACE HOMES,**  
INC.  
[DNL-6](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH SPFF, LP  
7-24-2025    [\[337\]](#)

STEPHEN REYNOLDS/ATTY. FOR DBT.  
J. CUNNINGHAM/ATTY. FOR MV.

### **Tentative Ruling**

**Motion:** Approve Compromise or Settlement of Controversy  
**Notice:** LBR 9014-1(f)(2); no written opposition required  
**Disposition:** Granted  
**Order:** Civil minute order

**Parties to Compromise:** Trustee Geoffrey M. Richards; SPFF, LP  
**Dispute Compromised:** Settlement agreement regarding funds from non-judicial foreclosure sale  
**Summary of Material Terms:** (a) The trustee shall remit the Deposits to the Claimant in trust for the benefit of all former and current tenants of the Debtor (collectively "Tenants"), including those identified in the Accounting. The Claimant shall defend, indemnify and hold the Trustee harmless from all claims that have been asserted or could be asserted by the Tenants; (b) Upon the Approval Order becoming final and non-appealable, Proof of Claim 10-1 shall be allowed in the amount of \$261,603.16, but subordinated to all other allowed claims, including the approximate \$201,109.69 Other Claims.

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **APPROVAL OF COMPROMISE**

In determining whether to approve a compromise under Federal Rule of Bankruptcy Procedure 9019, the court determines whether the compromise was negotiated in good faith and whether the party proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of

persuading the court that the compromise is fair and equitable and should be approved. *Id.*

The movant requests approval of a compromise that settles the dispute described above. The compromise is reflected in the settlement agreement attached to the motion as an exhibit. The probability of success in litigation supports the settlement due to the complicated nature and uncertainty surrounding litigation. Additionally, the complexity, expense, and inconvenience of litigation also supports the settlement because litigating this issue would be costly and time consuming. Last, the settlement is in the best interest of creditors because it eliminates costly and time-consuming litigation. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The compromise or settlement will be approved.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee's motion to approve a compromise has been presented to the court. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted. The court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as an exhibit and filed at docket no. 340.

7. [25-22639](#)-A-7     **IN RE: JESSICA LEMON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
7-15-2025     [\[16\]](#)

7/28/2025 FILING FEE PAID \$34

#### **Final Ruling**

As the fee has been paid in full, the order to show cause is discharged. The case will remain pending.

8. [25-22747](#)-A-7     **IN RE: BIEJAY MERCADO AND ALYSSA HERRERA**  
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
7-7-2025    [\[13\]](#)

ERIC GRAVEL/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.  
VW CREDIT, INC. VS.  
TRUSTEE NON-OPPOSITION

### **Final Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 2022 Ducati Multistrada

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **STAY RELIEF**

Subsection (d)(1) of § 362 of Title 11 provides for relief from stay for "cause, including the lack of adequate protection of an interest in property of such party." 11 U.S.C. § 362(d)(1). Adequate protection may consist of a lump sum cash payment or periodic cash payments to the entity entitled to adequate protection "to the extent that the stay . . . results in a decrease in the value of such entity's interest in property." 11 U.S.C. § 361(1).

#### 361(d)(1)

"[U]nder section 362(d)(1), the stay must be terminated for 'cause.' Lack of adequate protection is but one example of "cause" for relief from stay." *In re Ellis*, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985). The panel in the *Ellis* case rejected the argument that under § 362(d)(1) "the stay can only be terminated if [the movant-creditors] show a lack of adequate protection." *Id.*

The debtor has missed 7 pre-petition payments and 1 post-petition payment totaling \$2,679.84 due on the debt secured by the moving party's lien. This constitutes cause for stay relief.

#### 362(d)(2)

Section 362(d)(2) authorizes stay relief if the debtor lacks equity in the property and the property is not necessary to an effective

reorganization. 11 U.S.C. § 362(d)(2). Chapter 7 is a mechanism for liquidation, not reorganization, and, therefore, property of the estate is never necessary for reorganization. *In re Casgul of Nevada, Inc.*, 22 B.R. 65, 66 (B.A.P. 9th Cir. 1982).

In this case, the aggregate amount due all liens is \$20,650.95 which exceeds the value of the collateral at \$15,445.00 and the debtor has no equity in the property. As such, the motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

VW Credit, Inc.'s motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 2022 Ducati Multistrada, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied

9. [22-21649](#)-A-7     **IN RE: MARY KATTENHORN**  
[BLL-5](#)

CONTINUED MOTION FOR PROTECTIVE ORDER  
4-25-2025    [\[189\]](#)

RICHARD HALL/ATTY. FOR DBT.  
DEBTOR DISCHARGED: 10/11/22

**Final Ruling**

**Motion:** Continued Motion for Protective Order

**Notice:** Continued from June 9, 2025

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The motion is denied without prejudice. This matter was continued from June 9, 2025. Order, ECF No. 202. The court ordered the parties to file a joint status report not later than August 4, 2025. They have not done so. The court believes that the movant has abandoned her claim for relief. If the movant desires to continue seeking relief, they may re-file and re-serve the motion.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Movant's Motion for Protective Order has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

10. [22-21649](#)-A-7     **IN RE: MARY KATTENHORN**  
[BLL-6](#)

MOTION TO AVOID LIEN OF BMO HARRIS BANK N.A.  
6-30-2025    [\[210\]](#)

RICHARD HALL/ATTY. FOR DBT.  
DEBTOR DISCHARGED: 10/11/22  
RESPONSIVE PLEADING

**Tentative Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Disposition:** Denied

**Order:** Civil minute order

The court takes judicial notice of the voluntary petition, schedules, and statements filed in this case, as well as judicial notice of their contents. Fed. R. Evid. 201. The contents of the schedules and statements are non-hearsay admissions of the debtors

to the extent they are offered against the debtors in this matter. Fed. R. Evid. 801(d) (2) (A), (D).

## **FACTS**

The essential facts are not in dispute. In 2008, Phillip Kattenhorn and Mary Kattenhorn (née Houar) purchased 3905 Mist Lane, Auburn, California. At the time of purchase, Phillip and Mary were not married. They received title by grant deed but took the property as "joint tenants."

In 2009, Phillip and Mary married each other.

In 2011, Phillip and Mary executed a grant deed "Phillip Kattenhorn and Mary Kattenhorn, husband and wife as joint tenants." Ex. A in Support of Motion for Summary Judgment, ECF No. 58.

In 2023, Creditor BMO Harris Bank, N.A. obtained a judgement against Phillip and recorded an abstract of judgement creating a lien against the Mist Lane property. See *In re Phillip Kattenhorn*, Case No. 24-24573, Ex. D in Support of Debtor's Motion to Avoid Lien, ECF No. 41.

In 2024, an adversary proceeding was conducted where the court heard the matter regarding whether the Mist Lane property constituted community property after the second executed deed. See, *Kattenhorn v. BMO Harris Bank, N.A. et al*, Case No. 23-02082. This court stated in its summary judgement decision that "as a matter of law the 2011 Grant Deed was ineffective to change the character of Mary Kattenhorn's interest in the property." See Civil Minutes, Case No. 23-02082, ECF No. 74. The court found that no transmutation occurred because of the 2011 Grant Deed. *Id.*

## **ARGUMENT**

Now before the court is Debtor Mary Kattenhorn motion to avoid lien against Creditor BMO Harris Bank, N.A. in her bankruptcy case, Case No. 22-21649. The creditor has filed opposition stating that the motion to avoid lien is barred by res judicata as the court has already decided this matter. Opposition, ECF No. 217. Debtor responded that the Mist Lane Property is community property, and the lien should be avoided as to debtor because another Judge has allowed Phillip Kattenhorn to avoid the lien in his separate bankruptcy proceeding, Case No. 24-24573. See Response, ECF No. 221.

## **LAW AND ANALYSIS**

### Res Judicata and Debtor's Property Interest as a Joint Tenant

The primary issue brought to the court is whether BMO Harris Bank, N.A.'s lien has attached to debtor's interest in the property. Assessing whether the lien can attach to debtor's interest hinges on whether debtor and Phillip Kattenhorn's interest are separate.

That issue has already been decided. "The doctrine of res judicata bars a party from bringing a claim if a court of competent



jurisdiction has rendered final judgment on the merits of the claim in a previous action involving the same parties or their privies. Res judicata bars all grounds for recovery that *could have been asserted*, whether they were or not, in a prior suit between the same parties on the same cause of action. *Robertson v. Isomedix, Inc. (In re Int'l Nutronics, Inc.)*, 28 F.3d 965, 969 (9th Cir. 1994) (citation omitted) (quoting *Clark v. Bear Stearns & Co.*, 966 F.2d 1318, 1320 (9th Cir.1992)) (internal quotation marks omitted).

Further, res judicata "applies to matters decided in bankruptcy." *Siegel v. Fed. Home Loan Mortgage Corp.*, 143 F.3d 525, 529 (9th Cir. 1998).

The debtor's response has brought forth the argument that the Mist Lane property is community property. However, the issue of debtor's interest in the property has already been litigated in the adversary proceeding matter. See, *Kattenhorn v. BMO Harris Bank, N.A. et al*, Case No. 23-02082; see also, Civil Minutes, ECF No. 74.

Res judicata bars the debtor from re-litigating the matter regarding debtor's property interest in the Mist Lane Property. The court has decided that the debtor maintained an interest as a joint tenant and the interest never "transmuted" into community property. See, *Kattenhorn v. BMO Harris Bank, N.A. et al*, Case No. 23-02082; see also, Civil Minutes, ECF No. 74. If the debtor believed that a separate legal calculation was critical to the analysis regarding community property, that point should have been litigated in the original cause of action. As such, the distinction that debtor's interest was that of a joint tenant has been decided and will not be relitigated.

Debtor's interest is separate from Phillip's interest. This is crucial in deciding whether the lien can attach to debtor's interest.

#### Encumbrance of Lien

The lien's ability to attach to debtor's interest hinges on whether debtor's interest is separate from Phillip Kattenhorn's. In the adversary proceeding, the court decided that Mary Kattenhorn's interest did not "transmute" into a community property interest. See, *Kattenhorn v. BMO Harris Bank, N.A. et al*, Case No. 23-02082; see also, Civil Minutes, ECF No. 74.

In California, absent exceptions, it is the law that the separate interest of one spouse is not the responsibility of the other spouse. A party's separate property is liable only for the party's own debts, not for debts incurred by the party's spouse/domestic partner. See Fam.C. § 913(a), (b)(1).

Mary and Phillip Kattenhorn were unmarried when they purchased the Mist Lane Property. See, *Kattenhorn v. BMO Harris Bank, N.A. et al*, Case No. 23-02082, Ex. A in support of Motion for Summary Judgement, ECF No. 64. They executed a grant deed in 2011 that did not create a community property interest. See, *Kattenhorn v. BMO Harris Bank, N.A. et al*, Case No. 23-02082; see also, Civil Minutes, ECF No. 74.

While debtor's both still held separate interests as joint tenants, BMO Harris Bank, N.A. obtained a judgement against Phillip and recorded an abstract of judgement creating a lien against the Mist Lane property. See *In re Phillip Kattenhorn*, Case No. 24-24573, Ex. D in Support of Debtor's Motion to Avoid Lien, ECF No. 41.

When a co-tenant encumbers his or her separate interest in the property, the lien attaches only to his or her interest and not to the interest of the other co-tenant. See *Caito v. United California Bank*, 20 Cal. 3d 694, 701. As such, the judicial lien from Creditor BMO Harris Bank, N.A. never attached to the debtor.

Since the debtor and Phillip hold separate interests in the Mist Lane Property, the lien is not enforceable against debtor's interest. The lien attached to Phillip Kattenhorn's interest only. It did not catch Debtor's interest because the 2011 grant deed did not successfully create a community property interest. Both Mary and Phillip held separate interests as joint tenants after the 2011 grant deed. Debtor's interest was never encumbered by the lien. The lien is not enforceable against the debtor because Phillip Kattenhorn is the only one liable for his own debts. See Fam.C. § 913(a), (b)(1).

The statement made by the debtor that the court has granted Phillip Kattenhorn's motion to avoid lien is not analogous to the debtor's situation. The court avoided the lien as to Phillip because the lien was affixed to his interest. The court may not do the same for debtor, because the lien does not encumber debtor's interest.

For the abovementioned reasons, the motion to avoid lien will be denied.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to avoid lien has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied.

11. [25-22951](#)-A-7      **IN RE: KAYLAH BARNES**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
7-29-2025    [\[31\]](#)

#### **Final Ruling**

The Order to Show Cause is discharged. No appearances are required. The court will issue a civil minute order.

12. [25-22462](#)-A-7     **IN RE: PATRICK TORREY**  
[LFC-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY, MOTION TO CONFIRM  
TERMINATION OR ABSENCE OF STAY  
6-6-2025    [\[16\]](#)

LUIS CHAVES/ATTY. FOR MV.  
RESPONSIVE PLEADING

### **Tentative Ruling**

**Motion:** Stay Relief

**Notice:** Order resetting the hearing filed on July 30, 2025

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 4832 Don Julio Boulevard, Sacramento, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **FACTS**

In 2022, the debtor borrowed \$120,000 from movant and executed a balloon note evidencing the debt. Declaration, 2:5-6. To secure repayment of the note, the debtor executed a deed of trust granting the movant a security interest in the subject property. After defaults in payment from the debtor, movant recorded a notice of default and then a notice of sale on October 9, 2024. Declaration, 2:10-12. A judicial foreclosure sale occurred on November 7, 2024, where movant was the successful bidder and became owner pursuant to a valid trustee's deed which was issued the same day. *Id.*, 2:13-18. In January, a 3-day notice to quit was served on the debtor. *Id.*, 2:19-21. When debtor did not vacate the property, movant filed a complaint for unlawful detainer. On April 23, 2025, the state court entered a judgement in the unlawful detainer action stating that after foreclosure the right of possession is terminated. Exhibit 4, ECF No. 19. On June 4, 2025, the Sacramento County Sheriff sent a fax to the movant's attorney stating that they were unable to proceed with the lockout due to the debtor's bankruptcy. Exhibit 5, ECF No. 19.

On June 23, 2025, the court conditionally granted the motion for stay relief and continued the matter to July 7, 2025, at 10:30 a.m. The court's order on June 23, 2025, stated that "Because the motion has be filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Monday, June 23, 2025, to file and serve an opposition or other response to the motion." Order, ECF No. 24.

Due to the court's error, which caused a lack of notice provided to the debtor regarding his right to oppose the motion, the court

decided on July 30, 2025, to set the motion for stay relief to be heard at the current hearing to allow the debtor to oppose the grounds for stay relief as presented under LFC-1. The debtor was to file his opposition to the relief from automatic stay by August 11, 2025, by 5:00 p.m. No opposition has been filed as required.

#### **STAY RELIEF**

Section 362(d)(1) authorizes stay relief for cause shown. Cause includes the debtor's pre-petition loss of real property by way of foreclosure. In this case, the debtor's interest in the property was extinguished prior to the petition date by a foreclosure sale. The motion will be granted. The movant may take such actions as are authorized by applicable non-bankruptcy law, including prosecution of an unlawful detainer action (except for monetary damages) to obtain possession of the subject property. The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Creditor's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 4832 Don Julio Boulevard, Sacramento, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may take such actions as are authorized by applicable non-bankruptcy law, including prosecution of an unlawful detainer action (except for monetary damages) to obtain possession of the subject property.

IT IS FURTHER ORDERED that no other relief is awarded. To the extent that the motion includes any request for attorney's fees or other costs for bringing this motion, the request is denied.

13. [24-24267](#)-A-7     **IN RE: RIKI TROWE**  
[DNL-5](#)

MOTION FOR AUTHORITY TO OPERATE RJT CONSULTING, LLC  
7-28-2025    [\[103\]](#)

OMERO BANUELOS/ATTY. FOR DBT.  
J. CUNNINGHAM/ATTY. FOR MV.

**No Ruling**

14. [25-21473](#)-A-7     **IN RE: DANNY BRASHEAR AND THOMAS VOORHIES**  
[SLG-1](#)

MOTION TO AVOID LIEN OF JPMORGAN CHASE BANK, N.A.  
7-4-2025    [\[17\]](#)

ADAM GARCIA/ATTY. FOR DBT.  
DEBTORS DISCHARGED: 07/15/25

**Final Ruling**

**Motion:** Avoid Lien that Impairs Exemption

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The court will deny the motion without prejudice on grounds of insufficient service of process on the responding party.

**SERVICE AND NOTICE GENERALLY**

As of November 1, 2022, the court adopted Local Bankruptcy Rules 2002-3, 9036-1 and 7005-1 (requiring attorneys and trustees to use a standardized Certificate of Service, EDC 7-005).

The form certificate of service is intended to allow parties to memorialize service efficiently and accurately, and to aid the court in ensuring sufficient service is achieved in each proceeding.

In this case service of the motion was proper, however the memorialization of the service is incorrect.

Rule 7004 Service

Service of the motion on the lienholder is required in accordance with Rule 7004. While service on the lienholder is properly accomplished by first class mail under both Fed. R. Civ. P. 5 and Fed. R. Bankr. P. 7004, the Certificate of Service in this matter should indicate that service is made on the lienholder pursuant to Rule 7004. Part 6 is incorrectly completed. Here the certificate only indicates service under Fed. R. Civ. P. 5, which is appropriate for other parties such as the special notice creditors, and the United States Trustee. See Certificate of Service, ECF No. 22.

### **SERVICE ON A CORPORATION**

A motion to avoid a lien is a contested matter requiring service of the motion in the manner provided by Federal Rule of Bankruptcy Procedure 7004. Fed. R. Bankr. P. 4003(d), 9014(b); see also *In re Villar*, 317 B.R. 88, 92 n.6 (B.A.P. 9th Cir. 2004). Under Rule 7004, service on corporations and other business entities must be made by mailing a copy of the motion "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." Fed. R. Bankr. P. 7004(b)(3).

Service of the motion was insufficient. The motion was not mailed via certified mail as memorialized by the certificate of service, ECF No. 22.

### **SERVICE ON AN FDIC INSURED INSTITUTION**

Under Rule 7004, service on FDIC-insured institutions must "be made by certified mail addressed to an officer of the institution" unless one of the exceptions applies. Fed. R. Bankr. P. 7004(h).

Service of the motion was insufficient. Service of the motion was not made by certified mail, Certificate of Service, ECF No. 22.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's motion to avoid lien has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

15. [25-22473](#)-A-7     **IN RE: TYLERJAMES MCCALL**  
[AMD-3](#)

MOTION FOR CONFIRMATION THAT THE AUTOMATIC STAY HAS EXPIRED  
7-22-2025    [\[54\]](#)

ASHLEY DEGUZMAN/ATTY. FOR MV.

### **Final Ruling**

**Motion:** Confirm Absence of Automatic Stay

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Denied without prejudice

**Order:** Civil minute order

### **NOTICE AND SERVICE**

- 1) *Motions Set on 28 Days' Notice*. Unless a different amount of time is required by the Federal Rules of Bankruptcy Procedure, these Local Rules, or by order of the Court, or the moving party elects to give the notice permitted by LBR 9014-1(f)(2), the moving party shall file and serve the motion at least twenty-eight (28) days prior to the hearing date.

Local Bankruptcy Rule 9014(f)(1) (emphasis added).

The movant's motion was noticed under Local Bankruptcy Rule 9014(f)(1) and required opposition 14 days in advance of the hearing, but did not provide sufficient notice. There was only 27 days of notice provided. Certificate of Service, ECF No. 55. As such, the motion will be denied without prejudice.

Additionally, no evidence nor request for judicial notice has been offered in support of the motion. Therefore, there the motion may not be granted due to a lack of evidence.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Creditor's motion for confirmation that the automatic stay has expired has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

16. [25-22473](#)-A-7     **IN RE: TYLERJAMES MCCALL**  
[AMD-4](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
7-28-2025    [\[56\]](#)

ASHLEY DEGUZMAN/ATTY. FOR MV.  
MICHAEL TRAYNOR VS.

### **Final Ruling**

**Motion:** Confirm Absence of Automatic Stay

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Denied without prejudice

**Order:** Civil minute order

### **NOTICE AND SERVICE**

- 1) Motions Set on 28 Days' Notice. Unless a different amount of time is required by the Federal Rules of Bankruptcy Procedure, these Local Rules, or by order of the Court, or the moving party elects to give the notice permitted by LBR 9014-1(f)(2), the moving party shall file and serve the motion *at least twenty-eight (28) days prior to the hearing date*.

Local Bankruptcy Rule 9014(f)(1) (emphasis added).

The movant's motion was noticed under Local Bankruptcy Rule 9014(f)(1) and required opposition 14 days in advance of the hearing, but did not provide sufficient notice. There was only 21 days of notice provided. Certificate of Service, ECF No. 58. As such, the motion will be denied without prejudice.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Creditor's motion for relief from the automatic stay has expired has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.



17. [23-20793](#)-A-7     **IN RE: DOUGLAS RODRIGUEZ**  
[DNL-8](#)

MOTION TO AMEND  
7-17-2025    [\[108\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
J. CUNNINGHAM/ATTY. FOR MV.  
DEBTOR DISCHARGED: 08/15/23

### **Tentative Ruling**

**Motion:** Motion for Relief from Mistake

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

The trustee has filed a motion requesting relief from a mistake in the order approving first and final compensation to trustee's special counsel.

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **Rule 60(b)**

Fed. R. Civ. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9024, authorizes this court to grant relief due to a "mistake, inadvertence, surprise, or excusable neglect." A motion under Rule 60(b) must be made within a "reasonable time"; which, for mistake under the rule, means a motion must be made within a year of the judgment or motion. See Fed. R. Civ. P. 60(c), *incorporated by* Fed. R. Bankr. P. 9024.

On February 19, 2025, the court granted the trustee's motion to approve the first and final compensation of special counsel. Order, ECF No. 102. However, the trustee has since been informed that the special counsel's costs are not \$10,663.00 as stated in the previous motion but rather total \$7,847.90. See Declaration, ECF No. 110, *see also*, Exhibit A, ECF No. 111.

This court believes that the error causing the incorrect costs in the first compensation motion qualifies as a mistake under Rule 60(b).

The motion for compensation was granted on February 19, 2025. Order, ECF No. 102. This motion to amend was filed on July 17, 2025. Motion, ECF No. 108. Since approximately 5 months have passed since

the order for compensation was granted, the filing of the motion to reconvert is reasonable under Rule 60(b). See Fed. R. Civ. P. 60(c), *incorporated* by Fed. R. Bankr. P. 9024.

The motion for relief from mistake is granted. An order is to be prepared by the moving party stating special counsel's corrected costs are \$7,847.90.

18. [23-20793](#)-A-7     **IN RE: DOUGLAS RODRIGUEZ**  
[DNL-9](#)

MOTION TO PAY  
7-17-2025    [[113](#)]

PETER MACALUSO/ATTY. FOR DBT.  
J. CUNNINGHAM/ATTY. FOR MV.  
DEBTOR DISCHARGED: 08/15/23

#### **No Ruling**

19. [13-21498](#)-A-7     **IN RE: JOYCE MONDAY**  
[WF-2](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF WILKE FLEURY  
LLP FOR JASON G. ELDRED, TRUSTEES ATTORNEY(S)  
7-10-2025    [[76](#)]

MICHAEL HAYS/ATTY. FOR DBT.  
DEBTOR DISCHARGED: 06/10/13

#### **Final Ruling**

**Application:** Allowance of First and Final Compensation and Expense Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Required Service:** Fed. R. Civ. P. 5, Fed. R. Bankr. P. 7005

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

#### **COMPENSATION AND EXPENSES**

In this Chapter 7 case, the Chapter 7 trustee has applied for an allowance of final compensation and reimbursement of expenses for

trustee's counsel, Wilke Fleury LLP. The applicant requests that the court allow compensation in the amount of \$7,000.00. The motion itemizes costs and requests reimbursement of costs in the amount of \$0.00. The court will apportion the award and approve \$7,000.00 as compensation and reimbursement of expenses in the amount of \$0.00.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Trustee's application for counsel's allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$7,000.00 and reimbursement of expenses in the amount of \$0.00.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code and the distribution priorities of § 726.

20. [13-21498](#)-A-7     **IN RE: JOYCE MONDAY**  
[WF-3](#)

MOTION FOR AUTHORITY TO DISTRIUBTE FUNDS FROM SETTLEMENT OF  
PERSONAL INJURY LAWSUIT  
7-10-2025    [\[82\]](#)

MICHAEL HAYS/ATTY. FOR DBT.  
DANIEL EGAN/ATTY. FOR MV.  
DEBTOR DISCHARGED: 06/10/13

### **Final Ruling**

**Motion:** Authority to Distribute Funds from Settlement of Personal Injury Lawsuit

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by moving party

Movant requests the authority to distribute funds from the settlement of a personal injury lawsuit.

On March 2, 2021, the court approved a stipulation that entailed special counsel receiving up to 40% of the settlement, following with debtor receiving \$32,375.00 and the remainder going to the estate. Stipulation, ECF No. 59. Trustee now moves for an order authorizing the following distribution: 1) \$40,000.00 to special counsel; 2) \$32,375.00 to the debtor; 3) and the remaining \$27,625.00 to the bankruptcy estate.

The court approves of this distribution that was previously approved by the court, ECF No. 59. The order is to be prepared by the moving party.