

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto II  
Hearing Date: Wednesday, August 18, 2021  
Place: Department B – Courtroom #13  
Fresno, California

*The court resumed in-person courtroom proceedings in Fresno ONLY on June 28, 2021. Parties may still appear telephonically provided that they comply with the court's telephonic appearance procedures. For more information click [here](#).*

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

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

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

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

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

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

**THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

**9:30 AM**

1. [21-11221](#)-B-13     **IN RE: WILLIAM SIFUENTES**  
[MHM-2](#)

MOTION TO DISMISS CASE  
7-15-2021    [\[22\]](#)

MICHAEL MEYER/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Chapter 13 trustee Michael H. Meyer withdrew the motion on August 6, 2021. Doc. #40. Accordingly, the motion will be DROPPED FROM CALENDAR.

2. [19-12622](#)-B-13     **IN RE: JULIE MARTINEZ**  
[FW-6](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL,  
P.C. FOR GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)  
7-21-2021    [\[115\]](#)

GABRIEL WADDELL/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.

Gabriel J. Waddell of Fear Waddell, P.C. ("Applicant"), attorney for Julie Ann Martinez ("Debtor"), requests interim compensation in the amount of \$6,825.78 under 11 U.S.C. §§ 330, 331. Doc. #115. This amount consists of \$6,172.00 for reasonable compensation and \$653.78 for reimbursement of actual, necessary services rendered from April 1, 2020 through June 30, 2021.

Debtor signed a statement of consent indicating that she has read the fee application and approves of the same. Doc. #117, Ex. E.

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee ("Trustee"), the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Debtor filed bankruptcy on June 18, 2019. Doc. #1. The initial chapter 13 plan said that Applicant was paid \$1,990.00 prior to the filing of the case and additional fees of \$8,000.00 shall be paid through the plan by filing a motion in accordance with §§ 329, 330, and Fed. R. Bankr. P. 2002, 2016, and 2017. Doc. #4. The First Modified Chapter 13 Plan contained the same fee provision. Doc. #23. The Second Modified Chapter 13 Plan increased the additional fees to be paid through the plan to \$10,000.00. Doc. #42. The Third, Fourth, and Fifth Modified Plans further increased the additional fees to be paid through the plan to \$14,000.00. Docs. #61; #81; #96. The Fifth Modified Plan was confirmed on July 19, 2021. Doc. #114.

On April 15, 2021, Applicant requested interim compensation of \$3,624.40, consisting of fees of \$2,916.50 and expenses of \$707.90 for services rendered from May 8, 2018 through March 31, 2020. Doc. #50. The court granted this motion on May 14, 2020. Doc. #56.

Applicant now requests interim compensation of \$6,825.78. Doc. #115. The source of the funds for payment of the fees will be from the Trustee in accordance with the confirmed chapter 13 plan.

Applicant's office provided 21.90 billable hours of legal services totaling **\$6,172.00** as follows:

**FEE SUMMARY**

<b>Professional</b>	<b>Rate</b>	<b>Hours</b>	<b>Total</b>
Gabriel J. Waddell (2020)	\$320.00	8.70	\$2,784.00
Gabriel J. Waddell (2021)	\$330.00	8.90	\$2,937.00
Kayla Schlaak (2020)	\$100.00	2.20	\$220.00
Kayla Schlaak (2021)	\$110.00	2.10	\$231.00
<b>Total</b>		<b>21.90</b>	<b>\$6,172.00</b>

*Id.*, § 6. Applicant also requests \$653.78 in expenses, but then lists expenses as totaling \$608.63:

EXPENSES		
Expense	Fee App.	Exhibit
Photocopying	\$395.70	\$440.85
Postage	\$190.43	\$190.43
Court Fees	\$22.50	\$22.50
<b>Total Costs</b>	<b>\$608.63</b>	<b>\$653.78</b>

*Id.*, § 1c; *cf.* § 7. Based on the exhibits, Applicant incurred \$440.85 in photocopying expenses instead of the \$395.70 listed in the expense summary of the fee application. The court will allow the expenses as requested in the amount of \$653.78. These combined fees and expenses total **\$6,825.78**.

11 U.S.C. § 330(a)(1)(A) and (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses."

Applicant's services included, without limitation: (1) case administration and claim objections; (2) preparing, filing, and prosecuting second, third, fourth, and fifth modified plans and responding to objections for the same; (3) analyzing motions to dismiss, communicating with Debtor, and negotiating with Trustee; and (4) preparing and filing the first and second interim fee applications. Doc. #117, Ex. A. The court finds the services reasonable and necessary and the expenses actual and necessary.

No party in interest timely filed written opposition. As noted above, Debtor has consented to this fee application. *Id.*, Ex. E. This motion will be GRANTED. Applicant will be authorized to receive \$6,172.00 in fees and \$653.78 in expenses on an interim basis under 11 U.S.C. § 331, subject to final review pursuant to 11 U.S.C. § 330. Trustee will be authorized to pay Applicant \$6,825.78 as interim compensation for services rendered from April 1, 2020 through June 30, 2021 in accordance with the confirmed chapter 13 plan.

3. [17-14052](#)-B-13     **IN RE: JAIME/LEONOR SANCHEZ**  
[PK-4](#)

MOTION FOR COMPENSATION FOR PATRICK KAVANAGH, DEBTORS  
ATTORNEY(S)  
7-16-2021    [\[100\]](#)

PATRICK KAVANAGH/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.

Patrick Kavanagh of the Law Office of Patrick Kavanagh ("Applicant"), attorney for Jaime Rangel Sanchez and Leonor Laura Sanchez ("Debtors"), requests interim compensation in the amount of \$7,000.00 under 11 U.S.C. §§ 330, 331. Doc. #100. This amount consists solely of fees with waived expenses for reasonable compensation for services rendered from January 21, 2016 through January 18, 2021.

Debtors signed a statement of consent indicating that they have read the fee application and approve the same. Doc. #105.

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee ("Trustee"), the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Debtors filed bankruptcy on October 20, 2017. Doc. #1. The initial chapter 13 plan said that Applicant was paid \$947.00 prior to the filing of the case and additional fees of \$5,053.00 shall be paid through the plan by filing a motion in accordance with §§ 329, 330, and Fed. R. Bankr. P. 2002, 2016, and 2017. Doc. #5. The *Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys* Form EDC 3-096 provides that initial fees of \$6,000.00 were charged in this case, and of this amount, \$947.00 was paid by Debtors before filing

the petition. The First Modified Chapter 13 Plan increased the additional fees to be paid through the plan to \$7,053.00 and was confirmed on June 12, 2018. Docs. #77; #87.

Applicant now requests interim compensation of \$7,000.00. Doc. #100. The source of funds for payment of the fees will be from the Trustee in accordance with the confirmed chapter 13 plan.

Applicant's office provided 34.40 billable hours of legal services at a rate of \$300.00 per hour totaling \$10,320.00, but Applicant has waived all fees exceeding **\$7,000.00**. *Id.*, § 5. Applicant also waived all expenses. *Id.*, § 6.

11 U.S.C. § 330(a)(1)(A) and (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses."

Applicant's services included, without limitation: (1) case administration; (2) preparing and filing two valuation motions and negotiating a settlement to resolve objections; and (3) preparing and filing a motion to modify plan. Doc. #102, Ex. A. The court finds the services reasonable and necessary and the expenses actual and necessary.

No party in interest timely filed written opposition. As noted above, Debtors have consented to this fee application. Doc. #105. This motion will be GRANTED. Applicant will be authorized to receive \$7,000.00 in fees on an interim basis under 11 U.S.C. § 331, subject to final review pursuant to 11 U.S.C. § 330. Trustee will be authorized to pay Applicant \$7,000.00 as interim compensation for services rendered from January 21, 2016 through January 18, 2021 in accordance with the confirmed chapter 13 plan.

4. [21-11259](#)-B-13     **IN RE: LAWRENCE NIER**  
[PPR-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION TO  
CONFIRM TERMINATION OR ABSENCE OF STAY  
7-16-2021     [\[50\]](#)

SARBJIT JOHL/MV  
DIANA TORRES-BRITO/ATTY. FOR MV.  
DISMISSED 7/30/21

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

DISPOSITION:     Denied without prejudice.

ORDER:     The court will issue an order.

Miyuki Nishio and Sarbjit Johl (collectively "Creditors") move for an order under 11 U.S.C. § 362(j) confirming that the automatic stay was not in effect on May 14, 2021 at the time of a foreclosure sale

or on May 20, 2021 at the time a trustee's deed upon sale was recorded. Doc. #50.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the local rules of practice ("LBR").

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), and LBR 9014-1(c), (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require the DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN.

An Objection to Confirmation was previously filed by Creditors on June 22, 2021 (Doc. #22) and sustained on July 15, 2021. Doc. #47. The DCN for that motion was PPR-1. This motion also has a DCN of PPR-1 and therefore does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

5. [21-10061](#)-B-13     **IN RE: JACINTO/KAREN FRONTERAS**  
[RAS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY USAA FEDERAL SAVINGS  
BANK  
7-20-2021     [\[85\]](#)

USAA FEDERAL SAVINGS BANK/MV  
GLEN GATES/ATTY. FOR DBT.  
SEAN FERRY/ATTY. FOR MV.

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

DISPOSITION:     Continued to October 13, 2021 at 9:30 a.m.

ORDER:     The court will issue an order.

USAA Federal Savings Bank ("Creditor") objects to Jacinto Fronteras' and Karen Jo Fronteras' ("Debtors") chapter 13 plan confirmation under 11 U.S.C. § 1325. Doc. #85.

Creditor is a Class 2(B) secured creditor and holder of a security interest in a 2018 Avalon Catalina CR Funship 25 ("Boat") equipped with a 2018 Mercury 150XL ("Engine") and a VM Trailer ("Trailer"; collectively "Property"). Creditor objects because the plan proposes to pay Creditor \$24,000 based on the value of Property. Creditor disputes this valuation and contends that the retail value of Property is \$45,970. *Id.*; see also Claim No. 22-1.

Property is the subject to a pending motion to value collateral that was recently continued to October 13, 2021 so that the parties could conduct discovery and obtain appraisals. See GEG-3.

11 U.S.C. § 1325(a)(5) provides that the court shall confirm a plan if, with respect to each allowed secured claim provided for by the plan, the holder of such claim has accepted the plan; or the plan provides that the holder of such claim retain the lien securing such claim until the claim is paid in full and the value of property to

be distributed under the plan on account of such claim is not less than the allowed amount of such claim; or Debtors surrender the property.

The objection will be CONTINUED to October 13, 2021 at 9:30 a.m. to be heard in connection with Debtors' motion to value collateral.

Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's opposition to confirmation is withdrawn, the Debtors shall file and serve a written response not later than September 29, 2021. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Creditor shall file and serve a reply, if any, by October 6, 2021.

If the Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 6, 2021. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the opposition without a further hearing.

6. [21-10061](#)-B-13     **IN RE: JACINTO/KAREN FRONTERAS**  
[RAS-2](#)

OBJECTION TO CONFIRMATION OF PLAN BY USAA FEDERAL SAVINGS  
BANK  
7-20-2021     [\[88\]](#)

USAA FEDERAL SAVINGS BANK/MV  
GLEN GATES/ATTY. FOR DBT.  
SEAN FERRY/ATTY. FOR MV.

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

DISPOSITION:     Continued to October 13, 2021 at 9:30 a.m.

ORDER:     The court will issue an order.

USAA Federal Savings Bank ("Creditor") objects to Jacinto Fronteras' and Karen Jo Fronteras' ("Debtors") chapter 13 plan confirmation under 11 U.S.C. § 1325. Doc. #88.

Creditor is a Class 2(B) secured creditor and holder of a security interest in a 2016 Forest River Salem Cruise Lite 2 211SSXL 2 ("Trailer"). Creditor objects because the plan proposes to pay Creditor \$10,000 based on the value of Trailer. Creditor disputes this valuation and contends that the retail value of Trailer is \$13,650.00. *Id.*; see also Claim 1-1.

Trailer is the subject to a pending motion to value collateral that was recently continued to October 13, 2021 so that the parties could conduct discovery and obtain appraisals. See GEG-2.



11 U.S.C. § 1325(a)(5) provides that the court shall confirm a plan if, with respect to each allowed secured claim provided for by the plan, the holder of such claim has accepted the plan; or the plan provides that the holder of such claim retain the lien securing such claim until the claim is paid in full and the value of property to be distributed under the plan on account of such claim is not less than the allowed amount of such claim; or Debtors surrender the property.

The objection will be CONTINUED to October 13, 2021 at 9:30 a.m. to be heard in connection with Debtors' motion to value collateral.

Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's opposition to confirmation is withdrawn, the Debtors shall file and serve a written response not later than September 29, 2021. The response shall specifically address each issue raised in the opposition to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Creditor shall file and serve a reply, if any, by October 6, 2021.

If the Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 6, 2021. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the opposition without a further hearing.

7. [21-11174](#)-B-13      **IN RE: JESUS/VERONICA MONTANO**  
[NES-1](#)

MOTION FOR COMPENSATION FOR NEIL E SCHWARTZ, DEBTORS  
ATTORNEY(S)  
7-13-2021    [\[17\]](#)

NEIL SCHWARTZ/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.

Neil E. Schwartz of the Law Offices of Neil E. Schwartz ("Applicant"), attorney for Jesus Montano and Veronica Montano ("Debtor"), requests interim compensation in the amount of \$7,399.00 under 11 U.S.C. §§ 330, 331. Doc. #17. This amount consists of \$6,960.00 for reasonable compensation and \$439.00 for reimbursement of actual, necessary services rendered from April 26, 2021 through July 13, 2021.

Debtors signed a statement of consent indicating that they have read the fee application and have no objections. *Id.*, § 9(7).

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee ("Trustee"), the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As a procedural matter, the court notes that the Notice of Hearing (Doc. #18) filed with this motion does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice to include the names and addresses of persons who must be served with any opposition. The exhibits also do not comply with LBR 9004-2(d)(2) and (3). LBR 9004-2(d)(2) requires an exhibit index at the start of the exhibit document that identifies each exhibit by its exhibit number or letter and *states the page number at which it is found within the exhibit document*. LBR 9004-2(d)(3) requires exhibit pages to be consecutively numbered, including the index page, any separator, cover, or divider sheets, and state the exhibit number or letter on the first page of each exhibit.

Counsel is advised to review the local rules to ensure procedural compliance in subsequent motions. Future violations of the local rules may result in the matter being denied without prejudice. Further, Movant is advised to ensure that the fee summaries in future fee applications are accurate. Failure to correctly calculate fees may result in reduction of fees or denial of the application.

Debtors filed bankruptcy on May 6, 2021. Doc. #1. The initial chapter 13 plan said that Applicant was paid \$0.00 prior to the filing of the case and additional fees of \$15,000.00 shall be paid through the plan by filing a motion in accordance with §§ 329, 330, and Fed. R. Bankr. P. 2002, 2016, and 2017. Doc. #3. The *Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys* Form EDC 3-096 echoes this fee arrangement by providing for initial fees of \$15,000.00 charged in this case, and of this amount, \$0.00 was paid by Debtors before filing the petition. Doc. #4.

Applicant now requests interim compensation of \$7,399.00. Doc. #17. The source of funds for payment of the fees will be from the Trustee in accordance with the confirmed chapter 13 plan.

Applicant's office provided 22.90 billable hours totaling **\$6,960.00** in fees as follows:

**APPLICANT'S INCORRECT FEE SUMMARY**

<b>Professional</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
N.S. Attorney	\$300.00	20.50	\$6,150.00
J.L. Paralegal	\$150.00	2.40	\$360.00
<b>Total Fees and Hours</b>		<b>22.90</b>	<b>\$6,510.00</b>

*Id.*, § 7. But then the Category Fee Summary states that actually 23.90 billable hours were provided. *Id.*, § 5. The court went through the time logs to investigate where the calculation went amiss. Applicant charged a \$300.00 "Non-Appearance Fee" on June 15, 2021, presumably for the § 341(a) meeting of creditors on that same date. The hours for J.L. Paralegal also total 3.40, rather than 2.40. The corrected fees are below.

**CORRECTED FEE SUMMARY**

<b>Professional</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
N.S. Attorney	\$300.00	20.50	\$6,150.00
J.L. Paralegal	\$150.00	<b>3.40</b>	<b>\$510.00</b>
<i>Plus Non-Appearance Fee</i>		0.00	\$300.00
<b>Total Fees and Hours</b>		<b>23.90</b>	<b>\$6,960.00</b>

Doc. #19, Ex. B. Applicant also requests **\$439.00** in expenses:

**EXPENSES**

Postage	\$20.00
Filing fees	+ \$313.00
Credit Report & Counseling Courses	+ \$106.00
<b>Total Costs</b>	<b>= \$439.00</b>

*Ibid.*; Doc. #17, § 6. These combined fees and expenses total **\$7,399.00**.

11 U.S.C. § 330(a)(1)(A) and (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses."

Applicant's services included, without limitation: (1) case administration; (2) gathering information and documents to prepare the petition; (3) preparing and filing the petition, schedules, statements, and chapter 13 plan; (4) preparing and sending § 341 meeting of creditors documents to Trustee; (5) attending and completing the § 341 meeting of creditors; and (6) confirming a chapter 13 plan. Doc. #19, Exs. A, B. The court finds the services reasonable and necessary and the expenses actual and necessary.

No party in interest timely filed written opposition. As noted above, Debtors have consented to this fee application. Doc. #17, § 9(7). This motion will be GRANTED. Applicant will be authorized to

receive \$6,960.00 in fees and \$439.00 in expenses on an interim basis under 11 U.S.C. § 331, subject to final review pursuant to 11 U.S.C. § 330. Trustee will be authorized to pay Applicant \$7,399.00 as interim compensation for services rendered from April 26, 2021 through July 13, 2021 in accordance with the confirmed chapter 13 plan.

11:00 AM

1. [20-10024](#)-B-7     **IN RE: SUKHJINDER SINGH**  
[20-1036](#)

CONTINUED FURTHER SCHEDULING CONFERENCE RE: AMENDED  
COMPLAINT  
7-21-2020    [\[14\]](#)

SALVEN V. SINGH ET AL  
RUSSELL REYNOLDS/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

The court previously vacated the Scheduling Order entered September 14, 2020 (Doc. #35). Doc. #51. Plaintiff James E. Salven's ("Plaintiff") Attorney, Russell W. Reynolds, was ordered to file and serve a status report not later than August 11, 2021. *Id.*

Plaintiff's Attorney filed a status conference statement on August 11, 2021 and therefore complied with the court's previous order. Doc. #59. Plaintiff has not been paid his sanctions and Plaintiff's Attorney has not been paid his fees.

This matter will be called as scheduled. The parties shall be prepared to discuss scheduling dates and filing deadlines. The court will issue a new scheduling order after the hearing.

2. [21-11542](#)-B-11     **IN RE: COMMUNITY REGIONAL ANESTHESIA MEDICAL**  
[21-1025](#)                     **GROUP, INC.**

STATUS CONFERENCE RE: NOTICE OF REMOVAL  
6-18-2021    [\[1\]](#)

CHI ET AL V. COMMUNITY  
REGIONAL ANESTHESIA MEDICAL  
UNKNOWN TIME OF FILING/ATTY. FOR PL.

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

DISPOSITION:        Dropped from calendar.

ORDER:                The court will issue an order.

On July 19, 2021, debtor-in-possession Community Regional Anesthesia Medical Group, Inc. moved to voluntarily dismiss its bankruptcy case pursuant to 11 U.S.C. § 1112(b). See Bankr. Case No. 21-11452 ("Bankr.") Doc. #52. The court granted that motion on July 19, 2021 and the bankruptcy was dismissed. Bankr. Doc. #73.

The court remanded this adversary proceeding to Fresno County Superior Court on July 20, 2021 and all other pending motions were dismissed as moot. Doc. #20. The adversary proceeding was closed on that same date. Accordingly, this status conference will be dropped from calendar because the underlying bankruptcy case was dismissed, and this adversary proceeding was remanded and closed.

3. [21-11542](#)-B-11     **IN RE: COMMUNITY REGIONAL ANESTHESIA MEDICAL**  
[21-1025](#)     [FW-1](#)                     **GROUP, INC.**

MOTION FOR ABSTENTION AND/OR MOTION FOR REMAND  
7-16-2021     [\[15\]](#)

CHI ET AL V. COMMUNITY  
REGIONAL ANESTHESIA MEDICAL  
GABRIEL WADDELL/ATTY. FOR MV.

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

DISPOSITION:     Denied as moot.

NO ORDER REQUIRED.

On July 19, 2021, debtor-in-possession Community Regional Anesthesia Medical Group, Inc. moved to voluntarily dismiss its bankruptcy case pursuant to 11 U.S.C. § 1112(b). See Bankr. Case No. 21-11452 ("Bankr.") Doc. #52. The court granted that motion on July 19, 2021 and the bankruptcy was dismissed. Bankr. Doc. #73.

The court remanded this adversary proceeding to Fresno County Superior Court on July 20, 2021 and all other pending motions were dismissed as moot. Doc. #20. The adversary proceeding was closed on that same date. Accordingly, this motion will be dropped from calendar because the underlying bankruptcy case was dismissed, this motion was already dismissed as moot, and the adversary proceeding was remanded and closed.

4. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1007](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
1-7-2019     [\[1\]](#)

SUGARMAN V. BOARDMAN TREE  
FARM, LLC ET AL  
JOHN MACCONAGHY/ATTY. FOR PL.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to February 23, 2022 at 11:00 a.m. subject to further order of the court.

ORDER:             The court will issue an order.

The parties filed a joint status report agreeing to continue this adversary pending the outcome of Adv. Proc. No. 19-1033 in matters ##5-6 below. Doc. #127.

The court will CONTINUE this status conference to February 23, 2022 at 11:00 a.m. subject to further order of the court. Plaintiff Sugarman shall file a status conference statement not later than seven days before the continued hearing date. Other parties are invited, but not required, to file status conference statements seven days before the continued hearing date.

5. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1033](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
3-8-2019    [\[1\]](#)

SUGARMAN V. IRZ CONSULTING,  
LLC  
JOHN MACCONAGHY/ATTY. FOR PL.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to February 23, 2022 at 11:00 a.m. subject to further order of the court.

ORDER:             The court will issue an order.

Plaintiff and chapter 11 trustee Randy Sugarman and Defendant and Third-Party Plaintiff IRZ Consulting both filed status reports. Docs. #281; #296. The parties negotiated a joint discovery plan whereby fact discovery closes on October 1, 2022 and expert discovery closes on February 15, 2023. Doc. #283.

The court will CONTINUE this status conference to February 23, 2022 at 11:00 a.m. subject to further order of the court. Plaintiff Sugarman shall file a status conference statement not later than seven days before the continued hearing date. Other parties are invited, but not required, to file status conference statements seven days before the continued hearing date.

6. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1033](#)

CONTINUED STATUS CONFERENCE RE: THIRD-PARTY COMPLAINT  
2-24-2021    [\[163\]](#)

SUGARMAN V. IRZ CONSULTING,  
LLC  
KYLE SCIUCHETTI/ATTY. FOR PL.  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to February 23, 2022 at 11:00 a.m. subject  
to further order of the court.

ORDER:                The court will issue an order.

Plaintiff and chapter 11 trustee Randy Sugarman and Defendant and  
Third-Party Plaintiff IRZ Consulting both filed status reports.  
Docs. #281; #296. The parties negotiated a joint discovery plan  
whereby fact discovery closes on October 1, 2022 and expert  
discovery closes on February 15, 2023. Doc. #283.

The court will CONTINUE this status conference to February 23, 2022  
at 11:00 a.m. subject to further order of the court. Third-Party  
Plaintiff IRZ Consulting shall file a status conference statement  
not later than seven days before the continued hearing date. Other  
parties are invited, but not required, to file status conference  
statements seven days before the continued hearing date.

7. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1037](#)

CONTINUED STATUS CONFERENCE RE: NOTICE OF REMOVAL  
7-23-2018    [\[1\]](#)

IRZ CONSULTING LLC V. TEVELDE  
ET AL  
HAGOP BEDOYAN/ATTY. FOR PL.  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to February 23, 2022 at 11:00 a.m. subject  
to further order of the court.

ORDER:                The court will issue an order.

The parties previously stated that this matter is almost entirely  
duplicative of the related adversary proceedings, Adv. Proc. Nos.  
19-1007 and 1033. Doc. #112.

The court will CONTINUE this status conference to February 23, 2022  
at 11:00 a.m. subject to further order of the court. Plaintiff IRZ



Consulting shall file a status conference statement not later than seven days before the continued hearing date. Other parties are invited, but not required, to file status conference statements seven days before the continued hearing date.

8. [20-13855](#)-B-11     **IN RE: MOHOMMAD KHAN**  
[21-1026](#)

STATUS CONFERENCE RE: COMPLAINT  
6-21-2021    [\[1\]](#)

KHAN V. WILMINGTON TRUST N.A

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

DISPOSITION:        Continued to September 22, 2021 at 11:00 a.m.

ORDER:                The court will issue an order.

The court will issue an Order to Show Cause ("OSC") why this adversary proceeding should not be dismissed for failure to comply with local and federal rules, failure to state a claim upon which relief can be granted, insufficient service of process, and lack of subject matter jurisdiction because the underlying bankruptcy case has been dismissed. Plaintiff Mohommad Khan shall file and serve a response to the OSC as set forth in the order.

9. [17-14112](#)-B-13     **IN RE: ARMANDO NATERA**  
[20-1035](#)        [FW-4](#)

MOTION TO COMPEL  
8-11-2021    [\[111\]](#)

NATERA V. BARNES ET AL  
GABRIEL WADDELL/ATTY. FOR MV.

NO RULING.

Armando Natera ("Plaintiff") moves for an order compelling Roger L. Ward and Sandra S. Ward ("Defendants") to (1) supplement disclosures; (2) answer interrogatories; and (3) produce documents in response to requests for production of documents. Doc. #111. Plaintiff also seeks imposition of sanctions against Defendants for their failure to make the required disclosures.

This matter will be called as scheduled.

This motion to compel was brought on seven days' notice pursuant to the Scheduling Order entered on February 25, 2021, which provided that any hearing on a discovery dispute may be set on an adversary proceeding calendar on not less than seven calendar days from the date of service. Doc. #107.

Plaintiff served discovery requests on Defendants on June 9, 2021. Docs. #113; #115, Exs. B, C. Plaintiff received various sets of responses on July 12, 2021. *Id.*, Exs. D, E. Plaintiff contends that these responses are deficient because the interrogatories did not include witness contact information and the responses to requests for admission did not state whether documents were being withheld on the basis of the objections as required by Federal Rule of Civil Procedure ("Civil Rule") 34(b)(2)(C).

Plaintiff sent a letter to Defendants outlining these deficiencies and requested supplemental responses by July 30, 2021. Doc. #115, Ex. F. No response was received, so Plaintiff sent a follow up email on August 6, 2021. *Id.*, Ex. G. Having received no response to that email, Plaintiff filed this motion. Doc. #113.

Civil Rule 37(a) (applicable to adversary proceedings under Federal Rule of Bankruptcy Procedure ("Rule") 7037) allows a plaintiff to compel a party (i) to make disclosures required by Civil Rule 26(a); (ii) answer an interrogatory submitted under Civil Rule 33; and (iii) produce documents or respond that inspection will be permitted as requested under Civil Rule 34. Civil Rule 37(a)(3)(A), (B)(iii), (B)(iv).

Civil Rule 26(a)(1)(A)(i) requires that disclosure of individuals likely to have discoverable information must include the addresses and telephone numbers of the individuals, if known.

Plaintiff claims that Defendants' disclosures did not list the required addresses and telephone numbers for any of the thirteen possible witnesses identified. Notably, Defendants withheld the address and phone number of Michael Reeder, their son-in-law. Doc. #113. Since Mr. Reeder is crucial to Plaintiff's case, Plaintiff wants to depose Mr. Reeder but cannot do so without his address or phone number.

Civil Rule 37(a)(3)(A) permits a party to move for appropriate sanctions for a party's failure to make disclosures. Plaintiff alleges that Defendants are purposefully abusing the discovery process by frustrating Plaintiff's prosecution of this adversary proceeding, so sanctions are warranted. *Id.* Further, Plaintiff insists that the disclosures that were provided were not full and complete responses to the interrogatories. Plaintiff included a separate statement required by Local Rule of Practice ("LBR") 9014-2. See Doc. #114.

Finally, Plaintiff contends that Defendants failed to comply with Civil Rule 34. Defendants responded by asserting multiple objections but then failed to advise whether the requested documents would not be produced on the basis of the asserted objections. Defendants stated that they would produce documents and have failed to do so.

Plaintiff requests fees and costs incurred in presenting this motion under Civil Rule 37 and provided for in the scheduling order. Doc. #107. This consists of fees of \$4,973.50 plus costs of \$245.00 to prepare for and argue the motion. Plaintiff requests the court impose the following sanctions:

- (1) Prohibit Defendants from supporting or opposing Plaintiff's claims or from introducing matters into evidence under Civil Rule 37(b)(2)(A)(ii);
- (2) Strike Defendants' pleadings under Civil Rule 37(b)(2)(A)(iii);
- (3) Render default judgment against Defendants under Civil Rule 37(b)(2)(A)(iv); and
- (4) Find that Defendants are in contempt under Civil Rule 37(b)(2)(A)(vii).

If the court does not grant severe sanctions, Plaintiff alternatively requests the court:

- (1) Direct Defendants to make full and complete disclosures required by Civil Rule 26(A)(1)(A) within five (5) days of the issuance of any order which includes all of the information required, including addresses and phone numbers of witnesses;
- (2) Direct Defendants to fully answer, in writing and under oath as required by Civil Rule 33(b)(3), interrogatories noted on the attached separate statement within five days of the issuance of any order;
- (3) Direct Defendants to state whether, pursuant to Civil Rule 34(b)(2)(C), any production is being withheld on the basis of the objections asserted in response to Plaintiff's requests for production;
- (4) Direct Defendants to provide any and all documents responsive to Plaintiff's requests for production and to produce all such documents in their possession, custody, or control within five (5) days of the issuance of any order; and
- (5) Stay or continue further proceedings until the discovery orders are obeyed to so Plaintiff can serve a subpoena and depose Michael Reeder.

Plaintiff certifies that he has, in good faith, attempted to confer with Defendants' attorney in an effort to obtain discovery without court action.

This matter will be called as scheduled to inquire about Defendants' position.