UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, August 27, 2026
Department A – Courtroom #11
Fresno, California

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at Courtroom #11, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

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

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

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

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

1. Review the Pre-Hearing Dispositions prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the CourtCall Appearance Information.

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

Final Ruling: Unless otherwise ordered, there will be <u>no hearing on these matters.</u> 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.

<u>**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.**</u>

1. 24-13300-A-13 **IN RE: MICHAEL/MIRIAM BIAS**
   TCS-2

   MOTION TO MODIFY PLAN
   7-22-2026 [152]

   MIRIAM BIAS/MV
   TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

2. 25-10503-A-13 **IN RE: ASHLEY MONTOYA**
   JRL-1

   MOTION TO SET ASIDE DISMISSAL OF CASE AND/OR MOTION TO REINSTATE PLAN
   7-16-2026 [50]

   ASHLEY MONTOYA/MV
   JERRY LOWE/ATTY. FOR DBT.
   DISMISSED 06/17/26

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

Ashley Anne Montoya ("Debtor") moves the court to set aside the order dismissing Debtor's chapter 13 case and reinstate Debtor's chapter 13 plan. Doc. #50. Debtor's bankruptcy case was dismissed on June 17, 2026, after Debtor failed to bring her delinquent plan payments current. Order, Doc. #46; Doc. #50.

Debtor moves under Federal Rule of Civil Procedure ("Rule") 60(b), incorporated to this proceeding by Federal Rule of Bankruptcy Procedure 9024, to vacate the dismissal of their bankruptcy case. Rule 60(b)(1) permits the court to grant relief from a final order for, *inter alia*, mistake, inadvertence, surprise, excusable neglect, or any other reason that justifies relief. Rule 60(b)(1); Doc. #104. A motion to reconsider an order is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." Kona Enters. v. Estate of Bishop, 299 F.3d 877, 890 (9th Cir. 2000); see also Berman v. Freedom Fin. Network, LLC, 30 F.4th 849 (9th Cir. 2022) (applying the standard to Rule 60(b)).

Debtor argues that the order dismissing her chapter 13 case should be vacated under Rule 60(b) because of excusable neglect. "[F]or purposes of Rule 60(b), 'excusable neglect' is understood to encompass situations in which the failure to comply with a filing deadline is attributable to negligence." Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 394 (1993). The determination of "what sorts of neglect will be considered 'excusable' . . . is at bottom an equitable one, taking account of all relevant circumstances surrounding the party's omission." Id. at 395. Relevant circumstances include "the danger of prejudice to the debtor, the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith." Id.

The court will grant Debtor's motion and vacate the dismissal due to excusable neglect. Debtor filed her chapter 13 bankruptcy petition on February 21, 2025. Doc. #1. The first chapter 13 plan was confirmed on May 1, 2025. Doc. #26. Debtor previously received a Notice of Default and Intent to Dismiss Case ("NODID") in November 2025 that required Debtor to be fully current on her plan by paying $5,729.09 by December 15, 2025. Doc. #34. Debtor received a second NODID in January 2026 that required Debtor to be fully current on her plan by paying $5,687.69 by February 17, 2026. Doc. #39.

Debtor states during the course of her chapter 13 bankruptcy case, Debtor's minor daughter became ill and required medical treatment. Decl. of Ashley Montoya, Doc. #53. As a result, Debtor incurred unexpected medical expenses for her daughter's care creating a financial hardship that prevented Debtor from remaining current on her plan payments. Id. Additionally, Debtor was not receiving timely child support payments to which Debtor was entitled. Id.

Debtor received a third NODID in May 2026 that required Debtor to be fully current on her confirmed chapter 13 plan by paying $5,611.29 by June 15, 2026. Doc. #42. According to the moving papers, Debtor made a payment of $2,900.00 to the chapter 13 trustee on May 18, 2026, and attempted a payment of $2,861.80 on May 26, 2026 that failed. Doc. #52. Debtor initiated a payment of $2,900.00 on June 22, 2026, which cleared the chapter 13 trustee's account on June 26, 2026, but Debtor's case was already dismissed. Id.

Debtor filed this bankruptcy case for the purpose of reorganizing her debts and protecting her residence from foreclosure. Montoya Decl., Doc. #53. Debtor's financial circumstances have now improved, and Debtor is in a better position to resume making her chapter 13 plan payments. Id. Debtor states she is committed to remaining current with her plan payments in the future and to complete her confirmed plan if her case is reinstated. Id. Reinstating Debtor's chapter 13 case will allow Debtor to continue making payments under her confirmed chapter 13 plan, preserve her residence, and provide a greater recovery to creditors than dismissal. Doc. #52.

The court finds that refusing to vacate the dismissal order would be highly prejudicial to Debtor, the length of delay between dismissal and Debtor's request to vacate dismissal is minimal, and Debtor acted in good faith. The court finds that Debtor has established excusable neglect under Rule 60(b).

Accordingly, this motion is GRANTED. The order entered on June 17, 2026 (Doc. #46) dismissing Debtor's bankruptcy case is VACATED without prejudice to any actions taken by creditors in reliance on the dismissal order.

3. 26-12811-A-13 **IN RE: DAVID LEBOUTILLIER**
BN-1

OBJECTION TO CONFIRMATION OF PLAN BY TRI-COUNTIES BANK
8-4-2026 [27]

TRI-COUNTIES BANK/MV
PETER MACALUSO/ATTY. FOR DBT.
JARRETT OSBORNE-REVIS/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 22, 2026 at 9:30 a.m.

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

David Edward Leboutillier ("Debtor") filed a voluntary petition under chapter 13 on June 16, 2026 along with a chapter 13 plan ("Plan") on June 26, 2026. Doc. ##1, 11. Tri-Counties Bank ("Creditor") objects to confirmation of the Plan because: (1) one of the two pre-petition claims Creditor holds against Debtor is misclassified; (2) Debtor's plan reduces the interest rate of Creditor's secured claims; and (3) Debtor has not proposed to pay all of his disposable monthly income to his creditors. Doc. #27. Although Creditor alleges one of their claims is misclassified, Creditor has not yet filed a proof of claim to confirm this information.

On August 17, 2026, Debtor responded to Creditor's objection to confirmation stating Debtor has filed a motion to value the collateral of Creditor but has stipulated with Creditor to continue the hearing on the motion to value from

September 3, 2026 to October 13, 2026 at 2:00 p.m. Doc. ##36, 40. Debtor requests this objection to confirmation be continued to October 22, 2026 to be heard after the continued hearing on the motion to value Creditor's collateral. Doc. #36.

Based on Debtor's response to Creditor's objection, the court is inclined to continue the hearing on this objection to October 22, 2026 at 9:30 a.m. to be heard after the hearing on Debtor's continued motion to value.

Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than October 8, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Creditor shall file and serve a reply, if any, by October 15, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 15, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

4. 26-12811-A-13 **IN RE: DAVID LEBOUTILLIER**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
8-4-2026 [24]

PETER MACALUSO/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 22, 2026 at 9:30 a.m.

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

David Edward Leboutillier ("Debtor") filed a voluntary petition under chapter 13 on June 16, 2026 along with a chapter 13 plan ("Plan") on June 26, 2026. Doc. ##1, 11. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) a motion to value the collateral of Tri-Counties Bank ("Creditor") needs to be determined by the court for Trustee to determine whether the Plan is feasible; (2) Debtor is delinquent in Plan payments; (3) Debtor has not filed tax returns for 2025; (4) Debtor's Form 122C-2 needs to be amended or supplemented to clarify conflicting or missing information for Trustee to determine Debtor's disposable income; (5) Debtor has failed to provide required documents including, but not limited to: (a) 2025 tax returns; (b) profit and loss statement for May 2026, (c) bank statements for May 2026, and (d) business questionnaire on the correct form; and (6) the meeting of creditors has not yet concluded. Doc. #24. Debtor's 341 meeting of creditors was continued to September 10, 2026 at 10:00 a.m. See court docket entry entered on August 13, 2026.

On August 17, 2026, Debtor responded to Trustee's objection to confirmation stating Debtor has filed a motion to value the collateral of Creditor but has stipulated with Creditor to continue the hearing on the motion to value from September 3, 2026 to October 13, 2026 at 2:00 p.m. Doc. ##37, 40. Debtor requests this objection to confirmation be continued to October 22, 2026 to be heard after the continued hearing on the motion to value Creditor's collateral. Doc. #37.

Based on Debtor's response to Trustee's objection, the court is inclined to continue the hearing on this objection to October 22, 2026 at 9:30 a.m. to be heard after the hearing on Debtor's continued motion to value.

Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than October 8, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by October 15, 2026.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 15, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

5. 22-10512-A-13 **IN RE: JESS CHACON**
WSL-2

MOTION FOR ORDER AUTHORIZING REISSUANCE OF REFUND CHECK TO SUBSTITUTED REPRESENTATIVE
8-13-2026 [62]

AMANDA CHACON/MV
GREGORY SHANFELD/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

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

Amanda Elizabeth Chacon ("Movant"), the surviving spouse and substituted representative of Jess Ernesto John Chacon ("Debtor") in this chapter 13 case, requests the court order the chapter 13 trustee ("Trustee") to reissue a refund check to Movant. Doc. #62.

Trustee issued a refund check on June 30, 2026 in the amount of $404.80 payable to Debtor ("Refund Check"). Ex. 1, Doc. #64; Decl. of Amanda Elizabeth Chacon, Doc. #65. Movant states that the Refund Check cannot be negotiated in its current form because Debtor is deceased. Chacon Decl., Doc. #65. Movant requests the court order Trustee to reissue the check payable to Movant. Id.

The court entered an order on August 3, 2026 appointing Movant as representative of Debtor's estate for further administration of the bankruptcy case. Order, Doc. #61. This motion was filed ten (10) days later. The moving papers do not indicate what steps, if any, Movant has taken to discuss this matter with Trustee and whether Trustee was noncompliant with Movant's request.

Movant relies on 11 U.S.C. § 105(a) to support her requested relief. Doc. #62. Under 11 U.S.C. § 105(a), "[t]he court may issue any order . . . necessary or appropriate to carry out the provisions of this title." While 11 U.S.C. § 105(a) grants the court a wide variety of powers, the court does not interpret § 105(a) to give this court the power to control the accounting of Trustee, and the court knows no other legal authority by which the court can dictate Trustee's check issuing procedures.

In any event, the Refund Check specifically states it is void after 30 days. The check was issued on June 30, 2026, so the Refund Check was void on July 30, 2026. Ex. 1, Doc. #64. It appears reissuance of the Refund Check is required whether this motion is granted or not. The court encourages Movant to reach out to Trustee regarding reissuance of the Refund Check to determine whether this issue can be resolved consensually.

The motion is DENIED. This denial is without prejudice to Debtor filing and serving a new motion should such a motion be needed after Debtor has attempted to resolve the issue consensually with Trustee.

6. 26-12818-A-13 **IN RE: MARGRIT HOVIAN-RISTI**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-29-2026 [12]

LILIAN TSANG/MV
MIKALAH LIVIAKIS/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on August 12, 2026. Doc. #15.

7. 26-12622-A-13 **IN RE: NOLAN CASEY**
LGT-1

MOTION TO DISMISS CASE
7-21-2026 [15]

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

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

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

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #15. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) set a plan for hearing with notice to creditors; (3) provide Trustee with required documents; and (4) file tax returns for the tax years 2023, 2024, and 2025. Doc. #15. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor has failed to (i) appear at the scheduled 341 meeting of creditors, (ii) file and set for hearing a motion to confirm a plan, (iii) provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4), and (iv) file tax returns for the tax years 2023, 2024, and 2025.

A review of the debtor's Schedules A/B, C and D shows that there is no non-exempt equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #12. Because there is no non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

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

8. 25-11923-A-13 **IN RE: IRIS MURILLO**
PK-1

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
3-18-2026 [67]

ELMER F. KARPE, INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
PATRICK KAVANAGH/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

9. 25-14223-A-13 **IN RE: GONZALO GARCIA AND ZULEMA NUNEZ-GARCIA**
SL-1

MOTION TO MODIFY PLAN
7-9-2026 [22]

ZULEMA NUNEZ-GARCIA/MV
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

10. 26-11523-A-13 **IN RE: CASEY GUINN**
BSH-4

MOTION TO CONFIRM PLAN
7-1-2026 [52]

CASEY GUINN/MV
BRIAN HADDIX/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continue to October 1, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the chapter 13 plan because: (1) the debtor's plan payments need to be increased from $7,000.00 to $7,009.00 for the plan to be feasible; (2) the debtor's plan fails to specify a specific date for the higher dividends, which results in making several claims delinquent; and (3) the debtor has not filed tax returns for the tax years 2022, 2023, and 2024. Doc. #58.

Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than September 17, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by September 24, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than September 24, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

11. 26-12623-A-13 **IN RE: VIRGIE STOVALL**
LGT-1

MOTION TO DISMISS CASE
7-21-2026 [22]

LILIAN TSANG/MV

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

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

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #22. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) set a plan as required by the Order Extending Time to File Missing Documents; (2) provide Trustee with required documents; (3) file a complete plan (Sections 3.12 and 3.14 are blank); and (4) accurately file schedules and/or statements. Finally, the debtor is ineligible to be a debtor in a chapter 13 pursuant to 11 U.S.C. § 109(h) because the debtor has failed to provide a credit counseling certificate. Doc. #22. The debtor did not oppose.

Under 11 U.S.C. § 109(h), an individual may not be a debtor unless the debtor received credit counseling within the 180-day period ending on the petition date. 11 U.S.C. § 109(h)(1). Virgie Marie Stovall ("Debtor") filed for relief under chapter 13 of the Bankruptcy Code on June 2, 2026. Doc. #1. Debtor is representing herself in this bankruptcy case. Id. Debtor has not filed a Certificate of Counseling in this case.

The Bankruptcy Code allows a debtor to request a waiver of the § 109(h)(1) requirement to receive credit counseling pre-petition based on exigent circumstances. 11 U.S.C. § 109(h)(3)(A). However, Debtor has not requested a waiver of the § 109(h)(1) requirements post-petition within the time limits provided by 11 U.S.C. § 109(h)(3)(B). Because Debtor did not receive credit counseling within the 180-days prior to filing the bankruptcy petition and has not received a waiver of that requirement, Debtor may not be a debtor pursuant to § 109(h).

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by Debtor that is prejudicial to creditors because Debtor has failed to (i) file and set for hearing a motion to confirm a plan, (ii) provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4), (iii) file a complete plan, and (iv) accurately file schedules and/or statements. In addition, Debtor did not obtain pre-petition credit counseling as required by 11 U.S.C. § 109(h)(1) and did not request a waiver of the § 109(h)(1) requirement post-petition within the time period provided by 11 U.S.C. § 109(h)(3)(B).

Because Debtor is not eligible to be a debtor pursuant to 11 U.S.C. § 109(h), dismissal rather than conversion is appropriate. Accordingly, the motion is GRANTED, and the case dismissed.

12. 26-11624-A-13 **IN RE: BRENT PALMER**
LGT-2

MOTION TO DISMISS CASE
7-21-2026 [41]

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

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

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

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for the debtor's failure to make all payments due under the plan. Doc. #41. The debtor is delinquent in the amount of $13,820.00. Id. Before this hearing, another payment in the amount of $6,910.00 will also come due. Id. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(4) for the debtor's failure to make all payments due under the plan.

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

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

13. 21-12626-A-13 **IN RE: RAMON ARJONA**
LGT-1

OBJECTION TO DISCHARGE BY LILIAN G. TSANG
7-27-2026 [52]

ERIC ESCAMILLA/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

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

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

Lilian G. Tsang ("Trustee"), the chapter 13 trustee, objects to the entry of a discharge in the bankruptcy case of Ramon Trevino Arjona ("Debtor"). Doc. #52. According to Trustee, Debtor is ineligible for a chapter 13 discharge under 11 U.S.C. § 1328(f) because Debtor filed a chapter 7 case on December 28, 2018, and received a discharge in that case on May 6, 2019. Id.; Case No. 18-15132, Doc. #18.

Section 1328(f)(1) of the Bankruptcy Code provides in relevant part that: "the court shall not grant a discharge of all debts provided for in the plan or disallowed under section 502[] if the debtor has received a discharge – (1) in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter[.]" 11 U.S.C. § 1328(f)(1).

Here, Debtor filed this chapter 13 case on November 15, 2021. Debtor received a discharge in a chapter 7 case that was filed within the four years preceding the filing of this chapter 13 case. Thus, Debtor is ineligible to receive a discharge in this chapter 13 case.

Accordingly, Trustee's objection to Debtor's discharge is SUSTAINED.

14. 19-14937-A-13 **IN RE: THIEN AN BANH**
LTF-3

MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY AND/OR MOTION FOR SANCTIONS FOR VIOLATION OF THE DISCHARGE INJUNCTION
7-29-2026 [51]

THIEN AN BANH/MV
LARS FULLER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 1, 2026 at 9:30 a.m.

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

Based on the court's review of the motion, the court determined that resolution of this motion depends in part on the final determination of the related adversary proceeding also filed by the debtor in this court, Bahn v. Bank of America, Adv. Proc. No. 26-01024 ("Adversary Proceeding"). Complaint, Adv. Proc. No. 26-01024, Doc. #1. The debtor has set a motion for default judgment in the Adversary Proceeding for hearing on September 24, 2026 at 11:00 a.m. Adv. Proc. No. 26-01024, Doc. ##16-20. The court will continue the hearing on this motion to October 1, 2026 at 9:30 a.m. so this motion can be heard after the hearing on the motion for default judgment in the Adversary Proceeding.

15. 26-10137-A-13 **IN RE: BRAYAN MARQUEZ**
MGG-4

MOTION TO CONFIRM PLAN
7-20-2026 [67]

BRAYAN MARQUEZ/MV
MATTHEW GRECH/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

16. 26-12940-A-13 **IN RE: CHRISTIAN KAMEY**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-3-2026 [13]

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

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtor filed a first amended plan on August 11, 2026 (SLH-1, Doc. #24), with a motion to confirm the modified plan set for hearing on September 24, 2026 at 9:30 a.m. Doc. ##22-28.

17. 26-12943-A-13 **IN RE: LUCIA SAPIENS**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
8-3-2026 [13]

ERIC ESCAMILLA/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 1, 2026 at 9:30 a.m.

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

Lucia Ruiz Sapiens (“Debtor”) filed a voluntary petition under chapter 13 along with a chapter 13 plan (“Plan”) on June 25, 2026. Doc. ##1, 3. The chapter 13 trustee (“Trustee”) objects to confirmation of the Plan because (1) a motion to value the collateral of OneMain Financial needs to be filed for Trustee to determine feasibility of the Plan, and (2) Debtor needs to increase plan payments to $1,001.75 for the Plan to fund in 60 months. Doc. #13.

On August 20, 2026, Debtor responded to Trustee’s objection to confirmation stating that (1) Debtor anticipates filing a motion to value, and (2) Debtor believes that the motion to value would need to be resolved before determining the accurate amount needed for the plan payments to fund the Plan. Doc. #16. Debtor requests the objection be continued to be heard with the motion to value, which Debtor intends to set for hearing on September 30, 2026. The court notes that September 30, 2026 is not the correct date for the chapter 13 calendar. The correct date for the chapter 13 calendar that week is October 1, 2026.

Based on Debtor's response to Trustee's objection, the court is inclined to continue the hearing on this objection to October 1, 2026 at 9:30 a.m. to allow Debtor time to file a motion to value collateral and set that motion for hearing at that date and time.

18. 26-11846-A-13 **IN RE: RONALD/MICHELLE TALLEY**
PBB-1

OBJECTION TO CLAIM OF ROCKET MORTGAGE, LLC, CLAIM NUMBER 15
7-14-2026 [40]

MICHELLE TALLEY/MV
PETER BUNTING/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection on July 30, 2026. Doc. #53.

19. 22-10859-A-13 **IN RE: LUZ MORENO**
TCS-2

MOTION TO INCUR DEBT
8-13-2026 [35]

LUZ MORENO/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

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

Luz Maria Moreno ("Debtor"), the chapter 13 debtor in this case, moves the court for an order authorizing Debtor to incur new debt in the amount of $33,996.04 to purchase a 2021 Honda Civic ("Vehicle"). Doc. #35.

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

Here, Debtor asserts that she is in full compliance with the requirements of her chapter 13 plan and only ten (10) months remain in her chapter 13 plan. Decl. of Luz Maria Moreno, Doc. #38. Debtor was previously driving a Ford Focus until the transmission went out. Id. Debtor needs a reliable vehicle for her medical appointments and seeks authorization to incur new debt to purchase the Vehicle. Id. Debtor has been approved for a loan to purchase the Vehicle and has entered into a loan contract that is contingent upon the approval of the instant motion. Id.; Ex. A, Doc. #39. The purchase price of the Vehicle is $36,996.04. Id. Debtor will pay $3,000.00 cash, which results in a financed amount of $33,996.04. Moreno Decl., Doc. #38. The new debt will be financed over seventy-eight (78) months with an 8.89% APR and will be repaid outside the chapter 13 plan in the amount of $577.50 per month. Id. Debtor's plan distribution will not be reduced by the granting of this motion. Id. Debtor filed amended schedules I and J, which demonstrated Debtor's ability to pay the new debt and her plan payments. Am. Schedules I & J, Doc. #37.

The court is inclined to GRANT this motion. This motion was properly served and noticed, and opposition may be presented at the hearing. The new debt is a single loan incurred to purchase the Vehicle.

Accordingly, subject to opposition raised at the hearing, this motion will be GRANTED. Debtor will be authorized, but not required, to incur new debt in a manner consistent with the motion.

20. 21-10963-A-13 **IN RE: ERROL CUNNINGHAM**
LGT-2

MOTION UNDER RULE 3002-1(G)(4) TO DETERMINE FINAL CURE AND PAYMENT OF THE MORTGAGE CLAIM. RE: US BANK NA. (CLAIM NO. 8)
7-28-2026 [41]

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

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

DISPOSITION: Granted.

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

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

Lilian G. Tsang ("Trustee"), the chapter 13 trustee, moves the court for a determination of final cure pursuant to Federal Rule of Bankruptcy Procedure ("Rule") 3002.1 with respect to the claim held by US Bank N.A. ("Creditor"). Doc. #41. Trustee filed and served a Notice of Final Cure Payment pursuant to Rule 3002.1(f), but Creditor failed to respond. See Doc. #45.

Rule 3002.1(g) requires that within 21 days after service of the notice under subdivision (f) of the rule, the holder shall file and serve on the debtor, debtor's counsel, and the trustee a statement indicating (1) whether it agrees that the debtor has paid in full the amount required to cure the default on the claim, and (2) whether the debtor is otherwise current on all payments consistent with 11 U.S.C. § 1322(b)(5).

If the holder of a claim fails to provide any information as required by Rule 3002.1(g), Rule 3002.1(i) permits the court, after notice and a hearing, to preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or is harmless. Rule 3002.1(i)(1).

The court finds that Creditor failed to provide any information as required by Rule 3002.1(g) and will therefore preclude Creditor from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in this case pursuant to Rule 3002.1(i)(1).

Accordingly, this motion is GRANTED.

21. 25-12265-A-13 **IN RE: MANUEL/RISSY MONTOYA**
AOE-5

MOTION TO CONFIRM PLAN
7-21-2026 [155]

RISSY MONTOYA/MV
ANTHONY EGBASE/ATTY. FOR DBT.
CONT'D TO 9/3/26 BY ECF ORDER #176

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

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

NO ORDER REQUIRED.

On August 13, 2026, the court issued an order continuing the hearing on the motion to confirm plan to September 3, 2026 at 9:30 a.m. Doc. #176.

22. 26-12866-A-13 **IN RE: AMARDEEP WARAICH**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILLIAN G. TSANG
7-30-2026 [29]

LILIAN TSANG/MV
MUOI CHEA/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

Amardeep Singh Waraich ("Debtor") filed a voluntary petition under chapter 13 on June 19, 2026 along with a chapter 13 plan ("Plan") filed on July 6, 2026. Doc. ##1, 12. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) a motion to value the collateral of Travis Credit Union needs to be filed for Trustee to determine feasibility; (2) an amended disclosure of compensation of attorney form needs to be filed to fix mistakes; (3) either an amended business questionnaire or amended Schedule A/B needs to be filed to accurately reflect Debtor's business; and (4) Debtor failed to provide bank statements for the: (a) six months prior to the filing of the bankruptcy, December 2025 through May 2026, for bank accounts ending in 2501 and 8110, and (b) months of December 2025 through March 2026 for account ending in 8828. Doc. #29.

On August 13, 2026, Debtor responded to Trustee's objection to confirmation stating that: (1) a motion to value was granted on August 13, 2026; (2) an amended disclosure of compensation was filed; (3) Debtor intends to amend the business questionnaire to conform with Debtor's schedules; and (4) Debtor has provided the bank statements requested for the account statements it had available. Doc. #35.

It appears that Debtor's § 341 meeting of creditors has been continued to August 27, 2026 at 3:00 p.m., and the continued § 341 meeting of creditors must be concluded before Debtor's plan can be confirmed. <u>See</u> court docket entry entered on August 13, 2026.

Based on Debtor's response to Trustee's objection and the status of Debtor's continued § 341 meeting of creditors, the court is inclined to continue the hearing on this objection to September 3, 2026 at 9:30 a.m. to be heard after Debtor's continued § 341 meeting of creditors.

23. 25-13370-A-13 **IN RE: FORTINO TORRES**
LGT-2

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

LILIAN TSANG/MV
SUSAN SILVEIRA/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

24. 25-13370-A-13 **IN RE: FORTINO TORRES**
SDS-2

MOTION TO MODIFY PLAN
7-22-2026 [43]

FORTINO TORRES/MV
SUSAN SILVEIRA/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2) and will proceed as scheduled. The chapter 13 trustee filed timely opposition. Doc. #55. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered This matter will proceed as scheduled.

Fortino Torres ("Debtor"), the debtor in this chapter 13 case, passed away on October 6, 2025. Following his death, Marisol Torres ("Representative"), the surviving daughter and successor of Debtor, requested, among other things, that the court name Representative as the successor to Debtor and permit the continued administration of this chapter 13 case, which was granted. Order, Doc. #27. Prior to his death, Debtor signed and filed a 36-month chapter 13 plan. Doc. #6. Representative successfully confirmed that chapter 13 plan on February 19, 2026. Doc. #33.

On July 22, 2026, Representative filed a first amended chapter 13 plan ("Plan") with a plan period of 60 months. Doc. ##43-47. In both Debtor's original confirmed plan and the Plan, unsecured creditors are to receive a 0% dividend. While the original plan required monthly plan payments of $3,184.00 for a 36-month plan duration, the proposed Plan requires monthly plan payments of $2,381.00 for the remaining duration of the proposed 60-month Plan. Compare Doc. #6 with Doc. #46. Other than administrative claims, only the mortgage claim of Selene Finance LP is to be paid through the Plan.

Representative filed this motion to modify plan because Representative was current in making plan payments until she became ill in March 2026, which caused Representative to lose her work income and fall behind on plan payments. Decl. of Marisol Torres, Doc. #45. Representative is now back at work full-time and is confident she can make the proposed plan payments. Id. The chapter 13 trustee opposes this motion because, among other things, Debtor is the only person eligible to file a chapter 13 plan, and since Debtor has passed away, a new chapter 13 plan cannot be confirmed. Doc. #55.

The statutes do not support Representative's position. 11 U.S.C. § 101(13) defines "debtor" as "person . . . concerning which a case under this title is commenced." 11 U.S.C. § 109 provides that only "an individual with regular income" and within the statutory eligibility can be a debtor in chapter 13. The "debtor" is Fortino Torres. Marisol Torres is a personal representative of an estate or an intestate administration. That does not make Representative a "debtor" for bankruptcy purposes. 11 U.S.C. § 1321 gives debtors "the monopoly" on proposing plans in chapter 13. In re Franklin, 459 B.R. 463, 465 (Bankr. D. Nev. 2011).

Federal Rule of Bankruptcy Procedure ("Rule") 1016 permits further administration by a representative of a deceased debtor "in the same manner, so far as possible, as though death . . . had not occurred." This has generally been interpreted to mean continued administration under the chapter 13 plan confirmed prior to debtor's death. See In re Stewart, No. 01- 66434-fra13, 2004 Bankr. LEXIS 1042 (Bankr. D. Or. Mar. 2, 2004).

The chapter 13 trustee cites Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 916 (B.A.P. 9th Cir. 2011), in support of her argument that only the debtor can file a chapter 13 plan. To be sure, while that case includes that proposition, the facts of that case do not apply here. However, there are many other cases holding the same way as this court in similar contexts such as Stewart, In re Spiser, 232 B.R. 669 (Bankr. N.D. Tex. 1999), and Muessel v. Pappalardo (In re Muessel), 292 B.R. 712, 715-16 (B.A.P. 1st Cir. 2003).

Representative argues that the intent of Rule 1016(b) is so Debtor's case can continue as if Debtor had not died and because continuation of the confirmed plan relied on the funding of Representative, the continuation of those plan payments through a modified plan is permissible. Representative relies on In re Thomas, which states "Debtor believes the purpose of 11 U.S.C. § 1321 is to ensure the plan is voluntary, which it is." In re Thomas, 2025 WL 2442891 (Bankr. W.D. Tenn. 2025). In comparison, Representative states she will voluntarily fund the Plan on her father's behalf, and therefore 11 U.S.C. § 1321 is not violated, which supports further case administration is possible. Doc. #58. The court does not agree with Representative for several reasons.

First, while the purpose of 11 U.S.C. § 1321 is to ensure the plan is voluntary, the Bankruptcy Code expressly states "the debtor shall file a plan." Debtor voluntarily filed the original plan in his bankruptcy case because he signed and filed that plan before he passed away. However, any modified plan filed after Debtor has passed away that is not signed by Debtor would not be voluntary of Debtor, but of Representative, who is not considered a debtor for bankruptcy purposes.

Second, the court interprets "continuation of the further administration" as allowing Representative to fund the original confirmed plan to completion and continue administration to the extent that no further action is made in which Debtor's consent or signature would be required. Under 11 U.S.C. §1329, modification of a plan after confirmation is allowed at any time after confirmation of the plan but before the completion of payments under such plan upon the request of the debtor, the trustee, or the holder of an allowed unsecured claim. Representative is not one of the enumerated parties that can file a modified plan, so Representative cannot file and propose a modified plan under the express language of the Bankruptcy Code.

Accordingly, the motion is DENIED.

25. 26-12874-A-13 **IN RE: JAVIER MENDEZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-30-2026 [13]

LILIAN TSANG/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection on August 11, 2026. Doc. #18.

26. 26-12876-A-13 **IN RE: DONNA SCHARTON**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-30-2026 [17]

LILIAN TSANG/MV
BENNY BARCO/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and sustain the objection. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Donna Marie Scharton ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on June 19, 2026. Doc. ##1, 8. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because, among other issues, the Plan provides the incorrect address for the collateral of the secured creditor in Class 1. Doc. #17. Specifically, Debtor's Schedule A/B states Debtor's real property is located at 5358 N. Mariposa

Street, Fresno, California, while Section 3.07 of the Plan states Debtor's real property is located at 1534 Fallbrook Avenue, Clovis, California. According to Debtor's testimony at the § 341 Meeting of Creditors, the address listed in Debtor's Schedule A/B is correct. According to Trustee, this is not a correction that can be made in the order confirming plan, and a new plan needs to be filed.

Because a new plan must be filed to resolve this objection, the court is inclined to sustain the objection and deny confirmation rather than continue the hearing on Trustee's objection to confirmation to allow a response from Debtor.

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

27. 26-12876-A-13 **IN RE: DONNA SCHARTON**
RAS-1

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST NATIONAL ASSOCIATION
7-14-2026 [13]

U.S. BANK TRUST NATIONAL ASSOCIATION/MV
BENNY BARCO/ATTY. FOR DBT.
SHANA STARK/ATTY. FOR MV.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

The court is sustaining the chapter 13 trustee's objection to confirmation [LGT-1] in calendar matter #26 above. Therefore, this objection to confirmation of the plan [RAS-1] will be OVERRULED AS MOOT.

28. 26-12077-A-13 **IN RE: JAZMIN GUTIERREZ**
TCS-1

MOTION TO CONFIRM PLAN
7-21-2026 [16]

JAZMIN GUTIERREZ/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

29. 25-21578-A-13 **IN RE: KEVIN FERRIE AND SALECE YNOSTROZA**
DPC-1

MOTION TO DISMISS CASE
7-20-2026 [31]

DAVID CUSICK/MV
MARK WOLFF/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

At the request of the debtors (Doc. #35) and because the debtors have filed an amended plan to address the issues raised in the trustee's motion to dismiss, the trustee's motion to dismiss will be continued to September 24, 2026 at 9:30 a.m. to be heard with the hearing on the debtors' motion to modify plan (WW-2). Doc. ##37-42.

30. 25-26480-A-13 **IN RE: NICHOLAS DESTFINO**
DPC-2

MOTION TO DISMISS CASE
7-23-2026 [40]

DAVID CUSICK/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

At the request of the debtor (Doc. #46) and because the debtor has filed an amended plan to address the issues raised in the trustee's motion to dismiss, the trustee's motion to dismiss will be continued to September 24, 2026 at 9:30 a.m. to be heard with the hearing on the debtor's motion to modify plan (PGM-1). Doc. ##47-53.

31. 26-12782-A-13 **IN RE: MONICA JEROME**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
8-3-2026 [12]

ROBERT WILLIAMS/ATTY. FOR DBT.

NO RULING.

32. 26-11484-A-13 **IN RE: SUZANNE JOSEFOWSKI**
AP-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-21-2026 [131]

U.S. BANK TRUST NATIONAL ASSOCIATION/MV
PETER MACALUSO/ATTY. FOR DBT.
SHANA STARK/ATTY. FOR MV.
CONVERTED TO CH 7 8/14/26

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to September 23, 2026 at 1:30 p.m.

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

This case was converted to from chapter 13 to chapter 7 on August 13, 2026. Order, Doc. #154. Because of this conversion, the motion needed to be served on the chapter 7 trustee. On August 24, 2026, the moving party and the chapter 7 trustee stipulated to a continuance of the hearing on this motion to September 23, 2026. While the parties stipulated for the hearing to be held at 9:30 a.m. that day, that calendar is not the proper calendar for a chapter 7 matter. The court hears chapter 7 matters at 1:30 p.m. on September 23, 2026.

In addition to confirming the continuance of the motion to the correct time, the parties should be prepared to inform the court at the hearing whether a deadline for written opposition should be set or whether opposition to the granting of the motion may be raised by the debtor and/or the chapter 7 trustee at the continued hearing on this motion to be held on September 23, 2026 at 1:30 p.m.

33. 24-23086-A-13 **IN RE: CHRISTOPHER/SUSAN ZAFFREE**
DPC-1

MOTION TO DISMISS CASE
7-20-2026 [48]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 13, 2026 at 2:00 p.m.

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

At the request of the debtors (Doc. #52) and because the debtors have filed an amended plan to address the issues raised in the trustee's motion to dismiss, the trustee's motion to dismiss will be continued to October 13, 2026 at 2:00 p.m. to be heard with the hearing on the debtors' motion to modify plan (PLG-2), although a declaration was not filed in support of that motion. Doc. ##55-58.

34. 26-12686-A-13 **IN RE: OLGA LLAMAS**
LGT-2

MOTION TO DISMISS CASE
7-20-2026 [16]

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

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

DISPOSITION: Granted.

ORDER: The court will issue the order.

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

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

Here, the chapter 13 trustee asks the court to dismiss this case because the debtor has failed to provide a Credit Counseling Certificate required under 11 U.S.C. § 109(h). Doc. #16. The debtor did not file written opposition.

Under 11 U.S.C. § 109(h), an individual may not be a debtor unless the debtor received credit counseling within the 180-day period ending on the petition date. 11 U.S.C. § 109(h)(1). Olga Ledia Llamas ("Debtor") filed her chapter 13 of the Bankruptcy Code on June 8, 2026. Doc. #1. On July 19, 2026, Debtor filed a certificate showing that Debtor received credit counseling on July 15, 2026, after Debtor filed her bankruptcy petition. Doc. #12. The Bankruptcy Code allows the debtor to request a waiver of the § 109(h)(1) requirement to receive credit counseling post-petition based on exigent circumstances. 11 U.S.C. § 109(h)(3)(A). However, Debtor has not requested a waiver of the § 109(h)(1) requirements and, because Debtor did not receive credit counseling prior to filing her bankruptcy petition and has not received a waiver of that requirement, Debtor may not be a debtor pursuant to § 109(h).

There is "cause" for dismissal under 11 U.S.C. § 109(h) for Debtor's failure to complete credit counseling timely.

Accordingly, this motion will be GRANTED. The case will be dismissed.

35. 25-21289-A-13 **IN RE: MELINDA WARD**
BLG-5

MOTION TO CONFIRM PLAN
7-6-2026 [160]

MELINDA WARD/MV
CHAD JOHNSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 1, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to confirm the chapter 13 plan because: (1) the debtor is delinquent in plan payments; (2) the plan fails to specify a cure of the post-petition arrearage, including a specific post-petition arrearage amount; and (3) the plan understates the post-petition monthly mortgage payments for Select Portfolio. Doc. #173.

Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than September 17, 2026. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by September 24, 2026.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than September 24, 2026. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

36. 25-21289-A-13 **IN RE: MELINDA WARD**
DPC-3

CONTINUED AMENDED MOTION TO DISMISS CASE
2-27-2026 [114]

DAVID CUSICK/MV
CHAD JOHNSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 1, 2026 at 9:30 a.m.

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

The debtor has filed an amended plan to address the issues raised in the trustee's motion to dismiss (BLG-5) and set a hearing on that motion to confirm for today's calendar. Doc. ##160-167. Because the chapter 13 trustee has objected to confirmation of the debtor's proposed plan, the court has continued the hearing on that motion to October 1, 2026 at 9:30 a.m. See calendar matter #35 above.

Accordingly, the trustee's motion to dismiss also will be continued to October 1, 2026 at 9:30 a.m. to be heard with the continued hearing on the debtor's motion to confirm plan.

37. 25-24189-A-13 **IN RE: KYLE JENSEN**
DPC-1

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

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

On June 17, 2026, the chapter 13 trustee ("Trustee") moved to dismiss the debtor's chapter 13 case under 11 U.S.C. § 1307(c)(6) because the debtor was delinquent in his plan payments. Doc. #22. As of May 28, 2026, the debtor was delinquent in his plan payments in the amount of $5,774.00. Id.

On July 15, 2026, the debtor filed and served a motion to confirm the debtor's first modified plan and set that motion for hearing on August 27, 2026. Doc. ##26-31. Trustee filed an opposition to the motion, but it appears to the court that Trustee's objection can be resolved through an order confirming plan. Doc. ##40, 43. The court has tentatively granted that motion. See calendar matter #38 below.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. If the debtor's motion to confirm debtor's first modified plan is granted, it appears that the ground for Trustee's motion to dismiss will be satisfied so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(6).

Accordingly, if the debtor's motion to modify is granted, this motion will be DENIED unless this motion to dismiss is withdrawn prior to the hearing.

38. 25-24189-A-13 **IN RE: KYLE JENSEN**
TLA-1

MOTION TO MODIFY PLAN
7-15-2026 [26]

KYLE JENSEN/MV
THOMAS AMBERG/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee ("Trustee") timely opposed this motion because the plan is overextended and requires plan payments to increase to $1,867.00, which Trustee is not opposed to resolving in an order confirming plan. Doc. #40. Debtor responded to Trustee's opposition agreeing to Trustee's request to resolve the plan overextension issue in an order confirming plan. Doc. #43.

The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered. This matter will proceed as scheduled.

Accordingly, pending Debtor and Trustee consenting to the proposed language in an order confirming plan on the record, this motion will be GRANTED. In addition to resolving the overextension issue, the confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

39. 25-26590-A-13 **IN RE: MICHAEL JAMES MERCADO**
PGM-3

MOTION TO MODIFY PLAN
7-20-2026 [94]

MICHAEL JAMES MERCADO/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee timely filed non-opposition to this motion. See Non-Opp'n, Doc. #107. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

40. 25-11993-A-13 **IN RE: TY MORRELL AND LIEZEL ILARDE**
RSW-1

MOTION TO MODIFY PLAN
7-15-2026 [33]

LIEZEL ILARDE/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by

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

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

41. 26-12194-A-13 **IN RE: MICHELLE/RONALD RIVERA**
SLH-1

OBJECTION TO CLAIM OF ROCKET MORTGAGE, LLC, CLAIM NUMBER 9
7-13-2026 [18]

RONALD RIVERA/MV
SETH HANSON/ATTY. FOR DBT.
RESOLVED BY STIPULATED ORDER, ECF ORDER #27

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

The objection was resolved by stipulated order entered on July 30, 2026. Doc. #27.

42. 24-21895-A-7 **IN RE: MAGGIE JONES**
DPC-1

MOTION TO DISMISS CASE
7-21-2026 [24]

DAVID CUSICK/MV
MOHAMMAD MOKARRAM/ATTY. FOR DBT.
CONVERTED TO CH 7 7/27/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This bankruptcy case was voluntarily converted to chapter 7 on July 27, 2026. Doc. #28. Therefore, the motion to dismiss is DENIED AS MOOT.

43. 25-25796-A-13 **IN RE: JONATHAN CLINE**
RH-1

MOTION FOR RELIEF FROM AUTOMATIC STAY, MOTION/APPLICATION FOR RELIEF FROM CO-DEBTOR STAY
7-30-2026 [97]

CAPITAL ONE AUTO FINANCE/MV
JESSICA GALLETTA/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on August 20, 2026. Doc. #115.

44. 26-12899-A-13 **IN RE: CARLOS CARDONA ALVAREZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-30-2026 [13]

LILIAN TSANG/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtor withdrew the plan on August 25, 2026. Doc. #27. The debtor also filed a first amended plan on August 25, 2026 (Doc. #29) but has not yet filed and served a motion to confirm that plan as required by Local Rule of Practice ("LBR") 3015-1(d)(1).

As an informative matter, the Clerk's Matrix of Creditors used by the debtor to serve the first amended plan on all creditors and other parties in interest does not comply with LBR 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a pleading be downloaded not more than 7 days prior to the date pleading is served. Here, the debtor served a copy of the first amended plan on August 25, 2026 using a Clerk's Matrix of Creditors that was generated on August 12, 2026. Doc. #30.

The court encourages debtor's counsel to review the local rules to ensure compliance when debtor's counsel files and serves a motion to confirm the first amended plan or that matter may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders.

11:00 AM

1. 26-11854-A-7 **IN RE: DARIN SIEBERT**
26-1038 CAE-1

STATUS CONFERENCE RE: COMPLAINT
6-29-2026 [1]

SIEBERT V. SIEBERT
RACHEL SPOSATO/ATTY. FOR PL.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 1, 2026 at 11:00 a.m.

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

The parties have stipulated to extend the time for the defendant to answer the complaint to August 29, 2026. Doc. #6. Accordingly, the court will continue the initial status conference in this adversary proceeding to October 1, 2026 at 11:00 a.m. The parties shall comply with the requirements in the Order to Confer on Initial Disclosures and Setting Deadlines filed in this adversary proceeding on June 30, 2026 (Doc. #5) based on the new status conference date of October 1, 2026.

2. 24-12679-A-7 **IN RE: MOHAMAD/NEDAA SULIEMAN**
26-1020 CAE-1

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

EDMONDS V. BECKHAM CAPITAL LLC
ANTHONY JOHNSTON/ATTY. FOR PL.

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

DISPOSITION: Continued September 3, 2026 at 11:00 a.m.

ORDER: The court will issue an order.

Because the plaintiff has set a motion for default judgment for hearing on September 3, 2026 at 11:00 a.m., the status conference is continued to September 3, 2026 at 11:00 a.m. to be held in conjunction with that motion.