



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, August 28, 2025
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 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties 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.

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

1. [25-11309](#)-A-13 **IN RE: SANTIAGO BETERAN**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
6-9-2025 [\[17\]](#)

LILIAN TSANG/MV
DISMISSED 8/14/25

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on August 14, 2025. Doc. #33.
Therefore, this objection will be OVERRULED AS MOOT.

2. [25-11909](#)-A-13 **IN RE: RONALD OSBURN**

MOTION FOR REINSTATEMENT OF PROPERTY, MOTION FOR SANCTIONS FOR VIOLATION OF
THE AUTOMATIC STAY, MOTION FOR TURNOVER OF PROPERTY UNDER SEC. 542(A),
MOTION FOR EXAMINATION AND FOR PRODUCTION OF DOCUMENTS, MOTION TO
RECONSIDER, MOTION TO STRIKE
7-31-2025 [\[61\]](#)

RONALD OSBURN/MV

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The debtor has not complied with Local Rule of Practice ("LBR") 9014-1(e)(3), which requires that proof of service of a pleading be filed with the court not more than three (3) days after the pleading has been filed with the court. Here, the motion was filed on July 31, 2025, and the notice of hearing was filed on August 12, 2025. Doc. ##61, 83. There is an unsigned certificate of service attached to the notice of hearing that states the debtor "will file proof of service with the Court upon completion." Doc. #83. The debtor has not filed a signed certificate of service showing when the motion and related pleadings were served. Because a signed certificate of service was not filed, this court cannot confirm that notice of the motion was proper. Therefore, this motion is denied without prejudice.

In addition, the notice of hearing asserts that the deadlines for opposition and reply, service of motion, and notice are governed by LBR 9013-1 and 9013-3. Doc. #83. However, there is no LBR 9013-1 or 9013-3 for the Eastern District of California Bankruptcy Court. Instead, notice and opposition procedures for a motion set for hearing in this court are typically governed by LBR 9014-1(f)(1) or (f)(2). A motion that is set for hearing on at least 28 days' notice prior to the hearing date can be governed by LBR 9014-1(f)(1), which provides that written opposition must be filed and served no later than fourteen days before

the hearing and that failure to file written response may result in the court granting the motion prior to the hearing. If a motion is set for hearing on less than 28 days' notice prior to the hearing date, opposition to the motion is governed by LBR 9014-1(f)(2), which states written opposition is not required, and any opposition may be raised at the hearing. Here, the notice of hearing was filed less than 28 days prior to the hearing date. Because the notice of hearing required written opposition, the notice of hearing does comply with LBR 9014-1(f). Thus, notice of the hearing is improper. The motion is denied without prejudice for improper notice.

As a further procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6).

As a further procedural matter, the motion, declaration and exhibit filed by the debtor do not comply with LBR 9004-2(c)(1) and (d)(1), which require motions, declarations and exhibits to be filed as separate documents. Here, the motion, declaration filed in support of the motion and supporting exhibit were filed as a single document. E.g., Doc. #61. In the future, the motion, declaration and exhibits should be filed as separate documents. In addition, in the future the exhibit document should be consecutively numbered in the manner set forth in LBR 9004-2(d)(3) and should have an index at the start of the document that lists and identifies by exhibit number/letter each exhibit individually and states the page number at which the exhibit is found within the exhibit document as required by LBR 9004-2(d)(2).

The court encourages the debtor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

3. [25-11909](#)-A-13 **IN RE: RONALD OSBURN**

MOTION TO RECONSIDER
7-31-2025 [\[59\]](#)

RONALD OSBURN/MV

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The debtor has not complied with Local Rule of Practice ("LBR") 9014-1(e)(3), which requires that proof of service of a pleading be filed with the court not more than three (3) days after the pleading has been filed with the court. Here, the motion was filed on July 31, 2025, and the notice of hearing was filed on August 12, 2025. Doc. #59, 85. There is an unsigned certificate of service attached to the notice of hearing that states the debtor "will file proof of service with the Court upon completion." Doc. #85. The debtor has not filed a signed certificate of service showing when the motion and related

pleadings were served. Because a signed certificate of service was not filed, this court cannot confirm that notice of the motion was proper. Therefore, this motion is denied without prejudice.

In addition, the notice of hearing asserts that the deadlines for opposition and reply, service of motion, and notice are governed by LBR 9013-1 and 9013-3. Doc. #85. However, there is no LBR 9013-1 or 9013-3 for the Eastern District of California Bankruptcy Court. Instead, notice and opposition procedures for a motion set for hearing in this court are typically governed by LBR 9014-1(f)(1) or (f)(2). A motion that is set for hearing on at least 28 days' notice prior to the hearing date can be governed by LBR 9014-1(f)(1), which provides that written opposition must be filed and served no later than fourteen days before the hearing and that failure to file written response may result in the court granting the motion prior to the hearing. If a motion is set for hearing on less than 28 days' notice prior to the hearing date, opposition to the motion is governed by LBR 9014-1(f)(2), which states written opposition is not required, and any opposition may be raised at the hearing. Here, the notice of hearing was filed less than 28 days prior to the hearing date. Because the notice of hearing required written opposition, the notice of hearing does not comply with LBR 9014-1(f). Thus, notice of the hearing is improper. The motion is denied without prejudice for improper notice.

As a further procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6).

As a further procedural matter, the motion and exhibit filed by the debtor do not comply with LBR 9004-2(d)(1), which require motions and exhibits to be filed as separate documents. Here, the motion and supporting exhibit were filed as a single document. E.g., Doc. #59. In the future, the motion and exhibits should be filed as separate documents. In addition, in the future the exhibit document should be consecutively numbered in the manner set forth in LBR 9004-2(d)(3) and should have an index at the start of the document that lists and identifies by exhibit number/letter each exhibit individually and states the page number at which the exhibit is found within the exhibit document as required by LBR 9004-2(d)(2).

The court encourages the debtor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

4. [25-11909](#)-A-13 **IN RE: RONALD OSBURN**

MOTION FOR DISCOVERY TO PRODUCE DOCUMENTS FROM DEUTSCHE BANK NATIONAL TRUST COMPANY, WESTERN PROGRESSIVE LLC, PHH MORTGAGE SERVICES, AND OCWEN LOAN SERVICING TO ESTABLISH OWNERSHIP OF MORTGAGE, NOTE, CORPORATE AUTHORITY, AND CHALLENGE ALLEGED ILLEGAL FORECLOSURE
6-23-2025 [[18](#)]

RONALD OSBURN/MV
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

ORDER: The court will issue an order.

On June 23, 2025, Ronald Lou Osburn ("Debtor") filed a motion asking this court to order Deutsche Bank National Truste Company, Western Progressive LLC, PHH Mortgage Services, and Ocwen Loan Servicing to produce documents to establish ownership of Mortgage, Note, Corporate Authority and challenge alleged illegal foreclosure ("Motion"). Doc. #18. On June 27, 2025, Debtor filed and served a notice of hearing setting a hearing on the Motion for August 6, 2025. Doc. #26. Pursuant to that notice of hearing, the court held a hearing on the Motion on August 6, 2025. Civil Minutes, Doc. #73. The Motion was denied for lack of prosecution because Debtor failed to appear at the hearing held on August 6, 2025. Order, Doc. #76.

On August 12, 2025, Debtor filed a new notice of hearing and set the Motion for hearing on August 28, 2025. Doc. #86. Because the court has already ruled on and denied the Motion, the August 28 hearing on the Motion is dropped from calendar.

5. [25-11909](#)-A-13 **IN RE: RONALD OSBURN**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-1-2025 [[63](#)]

LILIAN TSANG/MV
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to October 2, 2025 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.

Ronald Lou Osburn ("Debtor") filed a voluntary petition under chapter 13 on June 9, 2025 and a chapter 13 plan ("Plan") on June 23, 2025. Doc. ##1, 15. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor's 341 meeting of creditors has not been concluded; and (2) Debtor has failed to provide required documents to Trustee including, but not limited to, (a) proof of identification, (b) proof of social security number, (c) pay advices for the 60 days prior to filing, (d) 2024 tax returns, and (e) profit

and lost statements/VDS Inc. Window Screens. Doc. #63. Debtor's 341 meeting of creditors has been continued to September 8, 2025 at 11:00 a.m. See court docket entry entered on July 29, 2025.

On August 12, 2025, Debtor responded to Trustee's objection to confirmation addressing the issues that are the basis of Trustee's objection and asserting objections that do not form the basis of Trustee's objection. Doc. #87. Specifically, Debtor responds: (1) Trustee failed to appear at an emergency hearing to enforce the automatic stay allegedly resulting in an unlawful eviction, police brutality causing Debtor disability and the loss of critical documents; (2) Trustee demands a plan change without ensuring that creditors, particularly Deutsche Bank National Trust Company, Western Progressive LLC, PHH Mortgage Servicer, and Ocwen Loan Servicing ("collectively, "Mortgage Holders"), have filed a valid proof of claim for the purported mortgage; (3) Trustee failed to provide reasonable accommodations under the Americans with Disabilities Act ("ADA") for Debtor's disability; and (4) the purported mortgage claim is invalid due to the closure of the INDYMAC INDX Mortgage Loan Trust 2006-AR11, unsigned promissory notes, lack of National Bank involvement, multiple mortgage insurance payoffs, and an illegal foreclosure on December 28, 2021. Doc. #87. Debtor asks the court to involve the United States Trustee in validating the mortgage claim and investigating Trustee's alleged misconduct. Id. The court addresses the issues raised in Debtor's response to Trustee's objection as follows:

(1) **Scope of Trustee's Duties.** With respect to Debtor's assertion that Trustee breached her fiduciary duties by failing to appear at the emergency hearing held on July 1, 2025, the court does not agree with Debtor. A chapter 13 trustee is appointed as the principal administrator in every chapter 13 case to collect payments from the chapter 13 debtor and disburse those payments to creditors as specified in the debtor's plan and order confirming the plan. 11 U.S.C. § 1302. Further, the chapter 13 trustee is required to appear and be heard at any hearing that concerns the value of property subject to a lien, confirmation of a plan, or modification of the plan after confirmation. 11 U.S.C. § 1302(b)(2).

Although not specifically required by the Bankruptcy Code, chapter 13 trustees frequently object to chapter 13 plans where the plans contain errors or fail to commit sufficient projected disposable income to pay unsecured creditors. Further, the chapter 13 trustee has a duty to advise and assist the debtor in performing under the plan. 11 U.S.C. § 1302(b)(4). However, the Bankruptcy Code specifically prohibits the chapter 13 trustee from giving legal advice to chapter 13 debtors. 11 U.S.C. § 1304; Ferrell v. Countryman, 398 B.R. 857, 868 (E.D. Tex. 2009).

Here, it does not appear to the court that Trustee breached any fiduciary duty by not attending the emergency hearing held on July 1, 2025, as Trustee was not required to attend. Because there does not appear to be any breach of Trustee's fiduciary duty, there is no basis for the court to involve the United States Trustee to investigate Trustee's actions.

(2) **Loss of critical documents.** Debtor asserts critical documents were lost during an eviction where law enforcement discarded his documents. Doc. #87. The court understands Debtor may need more time to obtain new copies of the documents required to be provided to Trustee. However, it is unclear to the court from Debtor's opposition what is the status of Debtor being able to provide the required documents to Trustee. Debtor should be prepared to explain this at the hearing.

(3) **Demand for Plan Change.** Debtor also contends that Trustee's objection to the Plan demands modifications to the Plan "without addressing the

absence of a valid proof of claim from [Mortgage Holders] for the purported mortgage." Doc. #87. However, the court does not find such a demand in Trustee's objection. Because there does not appear to be a basis for this response, the court overrules this contention. In addition, a review of the docket in Debtor's bankruptcy case reveals that on June 23, 2025, Debtor filed a proof of claim for \$-0- on behalf of Mortgage Holders. Claim 2. Moreover, there is no basis for the court to involve the United States Trustee to investigate any claim asserted by Mortgage Holders.

(4) **ADA Accommodations Requests.** Debtor asserts that he has requested ADA Accommodations from Trustee that have been denied, and Debtor is unable to participate in the bankruptcy proceedings because of the denied accommodations. Doc. #87. However, Debtor is vague as to what accommodations he has requested from Trustee, how he made these requests to Trustee, and how he was informed that Trustee denied his ADA requests. At the hearing, the court will ask Debtor to explain, in more detail, his statement that Debtor requested ADA accommodations but was denied this request by Trustee and to what extent Debtor is unable to participate in the bankruptcy proceedings because of this denial.

Based on Debtor's response to Trustee's objection, the court is inclined to continue the hearing on this objection to October 2, 2025 at 9:30 a.m. to permit the 341 meeting of creditors currently set for September 8, 2025 to be concluded and Debtor provided additional time to produce documents to Trustee.

6. [25-11119](#)-A-13 **IN RE: GENEVA FARR**
[RDW-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-13-2025 [[64](#)]

LUSO-AMERICAN FINANCIAL/MV
JERRY LOWE/ATTY. FOR DBT.
REILLY WILKINSON/ATTY. FOR MV.

NO RULING.

7. [25-10826](#)-A-13 **IN RE: ROMAN MORIN**
[DEI-1](#)

MOTION TO VALUE COLLATERAL OF SANTANDER CONSUMER USA, INC.
7-31-2025 [[46](#)]

ROMAN MORIN/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires a motion to value collateral to be served "in the manner provided for service of a summons

and complaint by Rule 7004.” Service of the motion on Santander Consumer USA, Inc. (“Creditor”) does not satisfy Rule 7004.

Rule 7004(b)(3) provides that service upon a domestic or foreign corporation, or a partnership or other unincorporated association be mailed “to the attention of an officer, managing or general agent, or to any other agent authorized by appointment or law to receive service of process[.]” Fed. R. Bankr. P. 7004(b)(3). There is no certificate of service filed in connection with this motion to show that Creditor was correctly served to the attention of anyone. See Doc. ##46-51. Therefore, this motion is denied for improper notice.

8. [25-10826](#)-A-13 **IN RE: ROMAN MORIN**
[RM-1](#)

MOTION TO CONFIRM PLAN
7-31-2025 [\[52\]](#)

ROMAN MORIN/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The certificate of service filed with this motion does not comply with Local Rule of Practice (“LBR”) 9014-1(e)(3), which requires that proof of service of all pleadings be filed with the court not more than three (3) days after the pleading is filed with the court. Here, the motion was filed on July 31, 2025, served on August 4, 2025, and the certificate of service was filed with the court on August 11, 2025. Doc. #61. Additionally, because the motion was noticed only 24 days prior to the hearing date, the motion does not comply with LBR 3015-1(d)(1), which requires that a motion to confirm a modified plan must be served on parties in interest at least thirty-five (35) days prior to the hearing.

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

The court encourages counsel for the debtor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court’s website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

MOTION TO DISMISS CASE
7-16-2025 [\[23\]](#)

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) for unreasonable delay by debtor that is prejudicial to creditors for the debtor's failure to set a plan for hearing with notice to creditors as required by the Order Extending Time to File Missing Documents. Doc. #23. 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 debtor that is prejudicial to creditors because the debtor failed to set a plan for hearing with notice to creditors.

A review of the debtor's Schedules A/B, C and D shows that there is minimal non-exempt equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #21. Because there is minimal non-exempt equity to be realized for the benefit of the estate, dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

Accordingly, the motion will be GRANTED, and the case dismissed.

10. [25-12050](#)-A-13 **IN RE: ANDRES LOPEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-1-2025 [\[22\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Continued to October 2, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

Andres Lopez ("Debtor") filed a voluntary petition under chapter 13 on June 20, 2025 as well as a chapter 13 plan ("Plan") on June 24, 2025. Doc. ##1, 10. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the meeting of creditors has not yet concluded, and (2) Debtor has failed to provide any of the required documents including, but not limited to, (a) proof of identification, (b) proof of social security number, (c) pay advices for the 60 days prior to filing, and (d) 2024 tax returns. Doc. #22. Debtor's 341 meeting of creditors has been continued to September 23, 2025 at 10:00 a.m. See court docket entry entered on July 30, 2025.

This objection will be continued to October 2, 2025. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than September 18, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by September 25, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than September 25, 2025. 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.

11. [25-12050](#)-A-13 **IN RE: ANDRES LOPEZ**
[RDW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY, MOTION/APPLICATION FOR ADEQUATE PROTECTION
8-14-2025 [\[32\]](#)

GOLDEN 1 CREDIT UNION/MV
REILLY WILKINSON/ATTY. FOR MV.

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.

The movant, Golden 1 Credit Union ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2016 Ford Mustang, VIN: 1FA6P8JZ4G5524384 ("Vehicle"). Doc. #32.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least two complete post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$1,978.50. Decl. of Mariano Velasquez, Doc. #36.

In the prayer for judgment included in the motion, Movant also requests "attorneys' fees and costs for the suit incurred herein." Doc. #32. Movant asserts it has incurred \$949.00 in attorneys' fees and costs due to Debtor's post-petition delinquencies. Velasquez Decl., Doc. #36. However, Movant has not explained what legal services were provided or how the \$949.00 in attorneys' fees and costs are calculated. Because Movant has not provided sufficient evidence to support the fees and costs requested to be awarded, the court will not award attorneys' fees and costs. This determination is without prejudice to Movant seeking such fees and costs at a later time.

Accordingly, pending opposition being raised at the hearing, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because debtors have failed to make at least two post-petition payments to Movant and the Vehicle is a depreciating asset.

12. [21-11252](#)-A-13 **IN RE: TAMARAH FRELIGH**
[PBB-2](#)

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT, WAIVE SECTION 1328
CERTIFICATE REQUIREMENT, CONTINUE CASE ADMINISTRATION, SUBSTITUTE PARTY,
AS TO DEBTOR
7-29-2025 [\[39\]](#)

TAMARAH FRELIGH/MV
PETER BUNTING/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.

Nicole Medina ("Movant") is the daughter and successor of Tamarah M. Freligh ("Debtor"), the debtor in this chapter 13 case. Doc. #39. By this motion, Movant requests the court name Movant as the successor to the deceased Debtor, permit the continued administration of this chapter 13 case, and waive the § 1328 certification requirements. Id.

Upon the death of a debtor in chapter 13, Federal Rule of Bankruptcy Procedure 1016 provides that the case may be dismissed or may proceed and be concluded in the same manner, so far as possible, as though the death had not occurred upon a showing that further administration is possible and in the best interest of the parties. Debtor died on June 8, 2025. Decl. of Nicole Medina, Doc. #41. Movant declares that she is the best person to fulfill any requirements necessary to complete this chapter 13 case. Id. Movant has asked the chapter 13 trustee ("Trustee") to allow Movant to continue the administration of this bankruptcy case on Debtor's behalf and has sent a cashier's check to Trustee in the amount of \$61,870.96 to complete Debtor's plan obligations. Id. Appointing Movant to be representative to proceed with case administration is in the best interest of the parties and creditors. No objections have been filed in response to this motion.

With respect to a waiver of Debtor's certification requirements for entry of discharge under 11 U.S.C. § 1328, Debtor failed to meet the post-petition financial education requirements before Debtor died. Medina Decl., Doc. #41. Debtor's death demonstrates an inability to provide certifications required, and the certification requirements will be waived.

Accordingly, Movant's application to be appointed representative of Debtor's estate for the further administration of this bankruptcy case is GRANTED. Movant's motion to waive Debtor's § 1328 certification requirements is GRANTED.

13. [24-12359](#)-A-13 **IN RE: JUAN GONZALEZ**
[SLG-3](#)

MOTION TO CONFIRM PLAN
7-20-2025 [[84](#)]

JUAN GONZALEZ/MV
JOSHUA STERNBERG/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on July 20, 2025 using a Clerk's Matrix of Creditors that was generated November 26, 2024. Doc. #89. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

14. [25-11061](#)-A-13 **IN RE: ARNULFO MUNOZ-GONZALES**
[NSV-1](#)

CONTINUED MOTION TO CONFIRM PLAN
6-5-2025 [[46](#)]

ARNULFO MUNOZ-GONZALES/MV
NIMA VOKSHORI/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The debtor filed a second amended plan on July 21, 2025 (NSV-1, Doc. #67), with a motion to confirm the modified plan set for hearing on September 18, 2025 at 9:30 a.m. Doc. ##67-71.

15. [25-11067](#)-A-13 **IN RE: ROMELIA FERREL**

MOTION TO CONFIRM PLAN
7-8-2025 [\[81\]](#)

ROMELIA FERREL/MV
ONYINYE ANYAMA/ATTY. FOR DBT.
NO ORDER TO CONTINUE

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

DISPOSITION: Dropped from calendar.

ORDER: The court will issue an order.

This motion to confirm plan was heard on August 6, 2025 and was denied without prejudice. Order, Doc. #100.

16. [25-10668](#)-A-13 **IN RE: PAUL/CAMMY WILLIS**
[SL-1](#)

MOTION TO MODIFY PLAN
7-14-2025 [\[35\]](#)

CAMMY WILLIS/MV
SCOTT LYONS/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

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

The certificate of service showing that the motion and supporting documents were served on all parties in interest (Doc. #39) does not comply with Local Rule of Practice 9004-1(c), which requires that all certifications shall be signed by the person offering the evidentiary material contained in the document. Here, the name of the person signing the certificate of service was typed on the Certificate of Service Form, but the Certificate of Service Form is not signed. Because a signed certificate of service was not filed, this court cannot confirm that notice of the motion was proper. Therefore, this motion is denied without prejudice.

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-15-2025 [\[15\]](#)

SANTANDER CONSUMER USA INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

The movant, Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease LTD. ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2022 Jeep Grand Cherokee, VIN: 1C4RJKAG4N8527074 ("Vehicle"). Doc. #15.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtors have failed to make at least two complete pre-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$1,325.08. Decl. of Christopher Little, Doc. #18. According to the debtors' chapter 13 plan, the debtors will surrender the Vehicle. Plan, Doc. #3; Order, Doc. #12; Little Decl., Doc. #18.

Accordingly, the motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because debtors have failed to make at least two post-petition payments to Movant, the Vehicle is a depreciating asset, and the debtors intend to surrender the Vehicle.

18. [25-12188](#)-A-13 **IN RE: MARCOS/DONNA REYNA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-4-2025 [\[22\]](#)

\$79.00 INSTALLMENT FEE PAID 8/13/25

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid.

The order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

19. [25-12097](#)-A-13 **IN RE: MAGDALENA PUENTES JURAZ**
[PGM-3](#)

MOTION TO VALUE COLLATERAL OF EDUCATIONAL EMPLOYEES CREDIT UNION
7-21-2025 [\[42\]](#)

MAGDALENA PUENTES JURAZ/MV
PETER MACALUSO/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.

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice include the names and addresses of persons who must be served with any opposition. The court encourages counsel for the debtor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be

accessed on the court's website at
<https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #46. However, Federal Rules of Bankruptcy Procedure 4001(a)(1) and 9014 require service of a motion to value collateral be made pursuant to Federal Rule of Bankruptcy Procedure 7004, which was done. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Magdalena Puentes Juraz ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2021 Dodge Challenger ("Vehicle"), which is the collateral of Educational Employees Credit Union ("Creditor"), at \$14,000.00. Doc. #42.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that where the debtor is in individual in a chapter 13 case, the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtor asserts the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Magdalena Puentes Juraz, Doc. #45. Debtor asserts a replacement value of the Vehicle of \$14,000.00 and asks the court for an order valuing the Vehicle at \$14,000.00. Id. Debtor is competent to testify as to the value of the Vehicle. The Property is currently encumbered with a security claim from Creditor in the amount of \$29,163.04. Claim 8. Given the absence of contrary evidence, Debtor's opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

Accordingly, the motion is GRANTED. Creditor's secured claim will be fixed at \$14,000.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.