



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California**

Hearing Date: Wednesday, August 28, 2024

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (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 or their attorneys 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/RemoteAppearances>. Each party/attorney 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 and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys 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 who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#). If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

Post-Publication Changes: 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 any possible updates.

1. [23-11700](#)-B-13 **IN RE: JOSEPH/VALERIE RODRIGUEZ**
[BDB-3](#)

CONTINUED MOTION TO MODIFY PLAN
6-15-2024 [\[55\]](#)

VALERIE RODRIGUEZ/MV
BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot

ORDER: The court will issue an order.

On August 21, 2024, Joseph and Valerie Rodriguez ("Debtors") filed their Second Amended Chapter 13 Plan. Doc. #71. Accordingly, this motion to confirm their *First Amended Chapter 13 Plan* dated June 15, 2024, will be DENIED as moot.

2. [24-11505](#)-B-13 **IN RE: LUIGI/BRITTNEE TISO**
[SKI-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CREDITOR
CARMAX BUSINESS SERVICES, LLC
6-17-2024 [\[15\]](#)

CARMAX BUSINESS SERVICES,
LLC/MV
JERRY LOWE/ATTY. FOR DBT.
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

This matter was originally heard on July 31, 2024. Doc. #70.

Secured Creditor CarMax Business Services, LLC ("CarMax") objected to confirmation of the *Chapter 13 Plan* filed by Luigi and Brittnee Tiso (collectively "Debtors") on May 31, 2024 (Doc. #3), on the following basis:

1. Debtors propose to pay CarMax as a Class 2(A) creditor at an interest rate of 5%. CarMax argues that the appropriate *Till* rate should be 11.5%.

Doc. #15. On July 16, 2024, Debtors filed a brief Response averring that Debtors have offered to pay a 9.5% interest rate, which Carmax has accepted and that a Stipulation is forthcoming. Doc. #21. On

July 29, 2024, Lilian G. Tsang, the Chapter 13 Trustee ("Trustee") filed a *Response* stating that the Stipulation alluded to, if filed and approved by the court, would require that Debtors' plan payment be increased to \$1,221.00 for 60 months and that the monthly dividend to CarMax be increased to \$675.41 per month. Doc. #22.

The court continued this objection to August 28, 2024, at 9:00 a.m. Doc. #70. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

Debtor neither filed a written response nor a modified plan. Therefore, CarMax's objection will be SUSTAINED on the grounds stated in the objection.

3. [19-10708](#)-B-13 **IN RE: ANTONIO VENEGAS AND MARTHA JAIMES**
[MHM-2](#)

CONTINUED MOTION TO RECONVERT CASE FROM CHAPTER 13 TO
CHAPTER 7
11-17-2023 [[115](#)]

T. O'TOOLE/ATTY. FOR DBT.

NO RULING.

4. [24-11409](#)-B-13 **IN RE: BLANCA MAGANA**
[RAS-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CITIBANK,
N.A.
7-5-2024 [[18](#)]

CITIBANK, N.A./MV
MARK ZIMMERMAN/ATTY. FOR DBT.
KELLI BROWN/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled

ORDER: The minutes of the hearing will be the court's findings and conclusions. Preparation of the order will be determined at the hearing.

This matter was originally set for July 31, 2024. Doc. #22.

Citibank, N.A., not in its individual capacity but solely as Owner Trustee of New Residential Mortgage Loan Trust 2020-RPLI (collectively "Creditor") objects to confirmation of the *Chapter 13*

Plan filed by Blanca Magana ("Debtor") on May 24, 2024, on the following basis:

1. The plan does not provide for cure of prepetition arrears owed to Creditor.

Doc. #18. The court continued this matter to August 21, 2024, and directed Debtor to file a written response no later than 14 days before the rescheduled hearing date. Doc. #22. The Debtor timely responded on August 13, 2024, stating that Debtor's non-filing spouse has provided Debtor's counsel with emails from Shellpoint Mortgage Servicing indicating that the Citibank arrearage has already been brought current. Doc. #27. Copies of those emails were attached as an Exhibit and appear properly authenticated. Doc. #28.

Unless this Objection is withdrawn by the Creditor, this matter will be called as scheduled, so that Creditor may present evidence on the record as to whether any arrearage still exists.

5. [24-10314](#)-B-13 **IN RE: MANUEL/HORTENSE YBARRA**
[TCS-1](#)

MOTION TO MODIFY PLAN
7-15-2024 [[19](#)]

HORTENSE YBARRA/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.

Manuel and Hortense Ybarra (collectively "Debtors") move for an order confirming Debtors' *First Modified Chapter 13 Plan* dated July 15, 2024. Docs. #19, #24. The current plan was filed on February 10, 2024, and confirmed on April 25, 2024. Doc. #3, #14.

No party has timely objected.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, 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. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

The motion requests that the confirmed plan be modified as follows:

1. The duration of the plan will be extended from 36 months to 60 months.
2. Debtors' plan payment will be an aggregate total of \$870.00 for months 1-5. Debtors' monthly plan to be \$174.25 per month in months 6-60 (reduced from \$290.00 per month in the current plan).

Doc. #24.

Debtors aver that this modification is necessary because they are having difficulty in making the current monthly plan payment and are, in fact, behind. Doc. #21. Debtors have filed an Amended Schedule I & J that indicates a monthly net income of \$174.25 which is sufficient to make the reduced plan payment. Doc. #17. The prior Schedule I & J indicated a monthly net income of \$290.00. Doc. #1

No party has objected, and so, this motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

6. [22-11023](#)-B-13 **IN RE: DULCE MARQUEZ**
[JCW-1](#)

MOTION TO APPROVE LOAN MODIFICATION
7-24-2024 [56]

U.S. BANK NATIONAL
ASSOCIATION/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

U.S. Bank National Association, its assignees and/or successors ("Movant"), moves for an order authorizing Dulce Marquez ("Debtor") to modify her existing mortgage pursuant to a loan modification agreement ("the Agreement") regarding Debtor's real property at 3736 E. Laura Avenue, Visalia, CA 93292 ("the Property"). Doc. #56.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

LBR 7005-1(a) and (d) require, unless six or fewer parties are served, the certificate to include an attached, official Matrix of Creditors from the Clerk of the Court, which shall be downloaded not more than seven days prior to the date of serving the pleadings and other documents and shall reflect the date of download. Here, the

matrices attached to the certificate were custom matrices. Official matrices can be downloaded from the court's website or from PACER.

7. [24-12233](#)-B-13 **IN RE: HUIJUN LIU**
[JRL-1](#)

MOTION TO EXTEND AUTOMATIC STAY
8-13-2024 [\[9\]](#)

HUIJUN LIU/MV
JERRY LOWE/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 hearing.

Huijun Liu ("Debtor") requests an order extending the automatic stay under 11 U.S.C. § 362(c)(3). Doc. #9.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

This motion was filed and served 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 set a briefing schedule and final hearing unless there is no need to develop the record further. The court will issue an order if a further hearing is necessary.

Under 11 U.S.C. § 362(c)(3)(A), if the debtor has had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay under subsection (a) shall terminate with respect to the debtor on the 30th day after the latter case is filed. Debtor had one case pending within the preceding one-year period that was dismissed: Case No. 24-11846. That case was filed on July 2, 2024, and was dismissed on July 15, 2024, for Debtor's failure to timely file her Statement of Social Security Number - Form 121. Doc. #11. This case was filed on July 31, 2024. Doc. #1. The automatic stay will expire on August 30, 2024.

11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor demonstrates that the filing of the latter case is in good faith as to the creditors to be stayed. Such request must be made within 30 days of the petition date.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad

faith may be rebutted by clear and convincing evidence. *Id.* Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.' Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition.'" *Emmert v. Taggart (In re Taggart)*, 548 B.R. 275, 288, n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by *Taggart v. Lorenzen*, 139 S. Ct. 1785 (2019)).

In this case, the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith as to all creditors Debtor has more than one previous case under chapter 13 that was pending within the preceding one-year period and Debtor failed to file or amend the petition or other documents as required by the Bankruptcy Code or the court without substantial excuse. 11 U.S.C. § 362(c) (3) (C) (i) (I), (c) (3) (C) (i) (II) (aa).

Debtor declares that the previous case was dismissed because of her inadvertent failure to timely file her SSN Form 121. Doc. #11.

In the prior case, no plan was ever proposed, nor any Schedules filed prior to dismissal. In the current case, the *Chapter 13 Plan* dated July 31, 2024, provides for 36 monthly payments of \$280.75 with a 0% dividend to unsecured claims. Doc. #3. Debtor's *Schedules I* and *J* indicate that Debtor receives \$304.97 in monthly net income, which is sufficient for Debtor to afford the proposed plan payment. Doc. #1.

It is therefore impossible to say whether there has been a material change in the Debtor's financial condition because none of the relevant information was filed in the prior case. Debtor will have the opportunity at the hearing to address that part of the § 362(c) (3) (i) analysis. If that concern is addressed to the court's satisfaction and there is no opposition, the court is inclined to GRANT this motion on the grounds that, based on the moving papers and the record, the presumption appears to have been rebutted by clear and convincing evidence because Debtor's financial condition and circumstances have materially changed. Debtor's petition appears to have been filed in good faith and the proposed plan does appear to be feasible. 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).

8. [24-11837](#)-B-13 **IN RE: DAVID/RICCI COMBS**
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LANGLEY FEDERAL CREDIT
UNION
8-13-2024 [[18](#)]

LANGLEY FEDERAL CREDIT
UNION/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION: Continued to September 25, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Langley Federal Credit Union ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by David and Ricci Combs (collectively "Debtors") on July 1, 2024, on the following basis:

1. The Plan proposes to treat Creditor's debt secured by a 2016 Dodge 1500 as a Class 2 re-amortized debt with an interest rate of 4.49% on the secured claim. This interest rate is inadequate to satisfy the requirements of *Till* and should be increased to 10.5%.

Doc. #19.

This objection will be CONTINUED to **September 25, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

9. [24-11837](#)-B-13 **IN RE: DAVID/RICCI COMBS**
[JCW-2](#)

OBJECTION TO CONFIRMATION OF PLAN BY LANGLEY FEDERAL CREDIT
UNION
8-13-2024 [[22](#)]

LANGLEY FEDERAL CREDIT
UNION/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION: Continued to September 25, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Langley Federal Credit Union ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by David and Ricci Combs (collectively "Debtors") on July 1, 2024, on the following basis:

1. The Plan proposes to treat Creditor's debt secured by a 2019 Hyundai Elantra as a Class 2 re-amortized debt with an interest rate of 4.24% on the secured claim. This interest rate is inadequate to satisfy the requirements of *Till* and should be increased to 10.5%.

Doc. #22.

This objection will be CONTINUED to **September 25, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

10. [24-11837](#)-B-13 **IN RE: DAVID/RICCI COMBS**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-8-2024 [[13](#)]

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Continued to September 25, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 Trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by David and Ricci Combs (collectively "Debtors") on July 1, 2024, on the following basis:

1. The 341 Meeting of Creditors has not been concluded due to Debtors' failure to appear. The continued meeting will be held on August 20, 2024. Trustee may have further objections based on the testimony of the Debtors at the continued meeting.

Doc. #13.

This objection will be CONTINUED to **September 25, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

11. [24-11747](#)-B-13 **IN RE: SAMUEL/CHRISTI HALL**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-13-2024 [\[16\]](#)

LILIAN TSANG/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Continued to September 25, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 Trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Samuel David Hall and Christi Laine Hall (collectively "Debtors") on June 24, 2024, on the following basis:

1. The Debtors have not yet filed the Business Income and Expense attachment to Schedule I. The Trustee is therefore unable to determine whether the plan is feasible.
2. The Debtors have not provided Trustee with the requested 6 months of prior bank statements.
3. Debtors Statement of Financial Affairs at line #5 fails to include year-to-date rental income and does not include additional sources of income received in 2022. This form must be amended.

Doc. #16.

This objection will be CONTINUED to **September 25, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

12. [24-10060](#)-B-13 **IN RE: JENNIFER GITMED**
[HDN-2](#)

CONTINUED MOTION TO CONFIRM PLAN
4-16-2024 [[36](#)]

JENNIFER GITMED/MV
HENRY NUNEZ/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 30, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

On August 26, 2024, the Chapter 13 Trustee and the Deputy Assistant Attorney General filed a motion to continue this matter and the two related matters for sixty (60) days so that the IRS will have additional time to review and evaluate Debtor's amended tax returns. Doc. #98. The motion avers that the movants have consulted with Debtor's counsel who does not oppose. Accordingly, this matter is CONTINUED to October 30, 2024, at 9:30 a.m.

13. [24-10060](#)-B-13 **IN RE: JENNIFER GITMED**
[HDN-4](#)

SECOND AMENDED OBJECTION TO CLAIM OF INTERNAL REVENUE
SERVICE, CLAIM NUMBER 1
7-26-2024 [[84](#)]

JENNIFER GITMED/MV
HENRY NUNEZ/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 30, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

On August 26, 2024, the Chapter 13 Trustee and the Deputy Assistant Attorney General filed a motion to continue this matter and the two related matters for sixty (60) days so that the IRS will have additional time to review and evaluate Debtor's amended tax returns. Doc. #98. The motion avers that the movants have consulted with Debtor's counsel who does not oppose. Accordingly, this matter is CONTINUED to October 30, 2024, at 9:30 a.m.

14. [24-10060](#)-B-13 **IN RE: JENNIFER GITMED**
[LGT-1](#)

CONTINUED MOTION TO DISMISS CASE
3-26-2024 [[22](#)]

LILIAN TSANG/MV
HENRY NUNEZ/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 30, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

On August 26, 2024, the Chapter 13 Trustee and the Deputy Assistant Attorney General filed a motion to continue this matter and the two related matters for sixty (60) days so that the IRS will have additional time to review and evaluate Debtor's amended tax returns. Doc. #98. The motion avers that the movants have consulted with Debtor's counsel who does not oppose. Accordingly, this matter is CONTINUED to October 30, 2024, at 9:30 a.m.

15. [24-11861](#)-B-13 **IN RE: BENITO/ALEXA GARCIA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-8-2024 [[12](#)]

LILIAN TSANG/MV
JERRY LOWE/ATTY. FOR DBT.

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

DISPOSITION: Continued to September 25, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 Trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Benito and Alexa Garcia (collectively "Debtors") on July 2, 2024, on the following basis:

1. The 341 Meeting of Creditors has not been concluded due to Debtors' failure to appear. The continued meeting will be held on August 20, 2024. Trustee may have further objections based on the testimony of the Debtors at the continued meeting.

Doc. #12.

This objection will be CONTINUED to **September 25, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

16. [24-11786](#)-B-13 **IN RE: OSCAR/NATALIE VILLAGOMEZ LEMUS**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-13-2024 [\[23\]](#)

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

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

DISPOSITION: Continued to September 25, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 Trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Oscar and Natalie Villagomez Lemus (collectively "Debtors") on June 28, 2024, on the following basis:

1. The Plan provides Capital One Auto Finance ("Capital One") as a class 2 claim and proposes to pay the value of the collateral securing the claim, but the court has not entered an order on a motion for valuation. The court notes that a motion to value Capital One's collateral is set for hearing on September 18, 2024.
2. Trustee believes there are non-exempt assets available to pay general unsecured creditors in the amount estimated to be \$123,809.12. Debtors' scheduled non-priority general unsecured claims total \$60,559.58. Therefore, the plan should provide for a 100% distribution plus interest at the Federal Judgment Rate of 5.10%. The plan as proposed provides a 100% distribution but does not include the federal judgment interest rate.

Doc. #23.

This objection will be CONTINUED to **September 25, 2024, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the 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 **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

1. [23-11723](#)-B-7 **IN RE: FELIPE REYNOSO**
[24-1006](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
4-19-2024 [6]

FEAR V. REYNOSO
GABRIEL WADDELL/ATTY. FOR PL.

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

DISPOSITION: Concluded and dropped from the calendar.

No order is required.

On June 27, 2024, the court approved a Stipulated Judgment in this adversary proceeding. Doc. #17. Accordingly, this status conference is CONCLUDED and will be DROPPED from the calendar.

2. [24-10546](#)-B-12 **IN RE: MAXIMINIO/MARIE SILVEIRA**
[24-1014](#) [CAE-2](#)

ORDER TO SHOW CAUSE RE: FAILURE TO FILE CORPORATE OWNERSHIP
STATEMENT AND NOTICE OF INTENT TO GRANT SUA SPONTE MOTION TO
DISMISS COMPLAINT
7-24-2024 [10]

BANK OF THE SIERRA V. SILVEIRA ET AL

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

On July 29, 2024, Bank of the Sierra filed its *Statement of Corporate Ownership*. Doc. #12. Accordingly, the order to show cause will be VACATED.

3. [23-11965](#)-B-7 **IN RE: CELIA ACOSTA**
[23-1053](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
12-18-2023 [[1](#)]

FIRST NATIONAL BANK OF OMAHA
V. ACOSTA
CORY ROONEY/ATTY. FOR PL.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined.

ORDER: The court will issue the order.

On August 16, 2024, the parties in the above-styled case filed a *Stipulation of Settlement*. Doc. #18. The court has reviewed the Stipulation and has concerns about the drafting of certain provisions. Counsel has been advised of those concerns. Accordingly, this conference will proceed as scheduled but will be treated as a Status Conference rather than a Pre-Trial Conference. Whether the Pre-Trial Conference should be vacated will be determined at the hearing.

4. [24-11595](#)-B-7 **IN RE: MARCIAL LUA**
[24-1017](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
6-24-2024 [[1](#)]

LUA V. UNITED STATES
DEPARTMENT OF EDUCATION
SUSAN HEMB/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.