UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California
Hearing Date: Wednesday, September 2, 2026

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/CourtAppearances. 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 <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.

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.

9:30 AM

1. 26-12405-B-13 **IN RE: JOSE ORELLANA AMAYA AND**
   LGT-1 **ROSA ORELLANA-ZARAGOZA**

   CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
   7-14-2026 [17]

   LILIAN TSANG/MV
   BRIAN HADDIX/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

On August 6, 2026, Jose Orellana Amaya and Rosa Orellana-Zaragoza ("Debtors") filed their *First Modified Chapter 13 Plan.* Doc. #32. Accordingly, this Objection to the Chapter 13 Plan dated June 9, 2026, is OVERRULED as moot.

2. 26-13107-B-13 **IN RE: KEVIN KEISER AND EMILY GASPAR**
   LGT-1

   OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
   8-13-2026 [12]

   LILIAN TSANG/MV
   SIMRAN HUNDAL/ATTY. FOR DBT.

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

DISPOSITION: Withdrawn.

No order is required.

On August 27, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #23. Accordingly, this Objection is WITHDRAWN.

3. 26-12612-B-13 **IN RE: KYISHA CLAY-ROBY**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
7-20-2026 [23]

WILLIAM EDWARDS/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 25, 2026, Kyisha Clay-Roby ("Debtor") filed her *First Modified Chapter 13 Plan.* Doc. #35. Accordingly, this Trustee's Objection to Debtor's Chapter 13 Plan dated June 1, 2026, is DENIED as moot.

4. 26-12616-B-13 **IN RE: JORGE PEREZ ROMO AND CYNTHIA PEREZ**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-20-2026 [15]

LILIAN TSANG/MV
NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

On August 19, 2026, Jorge Perez Romo and Cynthia Perez ("Debtors") filed their *Second Modified Chapter 13 Plan.* Doc. #32. Accordingly, this Objection to the Chapter 13 Plan dated June 1, 2026, is OVERRULED as moot.

5. 26-12640-B-13 **IN RE: ADAM GEORGE**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-17-2026 [31]

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.

On August 19, 2026, Adam George ("Debtor") withdrew the Chapter 13 Plan dated June 4, 2026, and also filed his *First Modified Chapter 13 Plan.* Docs. #7, #44. Accordingly, this Objection to the Chapter 13 Plan dated June 4, 2026, is OVERRULED as moot.

6. 26-12041-B-13 **IN RE: MARCUS GATHRIGHT**
MEV-1

MOTION TO CONFIRM PLAN
7-20-2026 [40]

MARCUS GATHRIGHT/MV
MARC VOISENAT/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN,

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.

Marcus Gathright ("Debtor") seeks an order confirming the *Third Modified Chapter 13 Plan* dated July 19, 2026. Docs. #39, #40. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Plan payments will be $5,205.12 for month 1 and $5,478.88 for months 2-60.
2. Outstanding Attorney's fees in the amount of $7,000.00 to be paid through the plan pursuant to Local Bankruptcy Rule 2016-1(c).
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
   a. Shellpoint Mortgage Servicing (Class 1, Mortgage on 9764 N. Willey Court, Fresno, CA. Debtor is one of 5 heirs with an interest in the inherited property which is being probated in state court). Arrearage of $13,378.32 at

0.00% to be paid at $326.32 per month. Ongoing payment of $12.00 per month.

   b. Bank of New York Mellon Class 1, Mortgage on 9764 N. Willey Court, Fresno, CA. Debtor is one of 5 heirs with an interest in the inherited property which is being probated in state court). Arrearage of $7,390.38 at 0.00% to be paid at $1,399.77 per month. Ongoing payment of $2,544.43 per month.

4. A dividend of 100% to priority unsecured creditors with claims estimated to be approximately $34,457.52. A dividend of 0.00% to general unsecured creditors with claims estimated to be approximately $7,356.10.

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

On August 5, 2026, the Chapter 13 Trustee objected to confirmation, but that objection was later withdrawn. Docs. #46, #51. No other party in interest has responded, and the defaults of all non-responding parties are entered.

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

7. 26-13044-B-13 **IN RE: VERONICA AGUIRRE**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-12-2026 [25]

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined at the hearing.

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

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Veronica Aguirre ("Debtor") on June 29, 2026, on the following basis:

1. The proof of claim filed by the Internal Revenue Service is significantly higher than the plan anticipates, and the proposed plan payment is inadequate to provide for the full amount of that priority claim.
2. The proofs of claim of the United States of America, United States Department of Agriculture, Rural Housing Service and of Chrysler Capital assert claims above what the plan proposes to pay.
3. Debtor is delinquent by $3,600.00 as of August 12, 2026, with additional monthly payments of $3,606.00 accruing.
4. Trustee requests amendment of Debtor's Schedule H, Statement of Financial Affairs, form 122C, Schedule A/B, and Schedule I.

Doc. #25. It appears that Debtor filed the documents requested in Objection #4 on or about August 12, 2026. Docs. ##28-29. On August 26, 2026, Debtor filed a *Response* to the Objection stating:

1. Debtor has filed an Amended Schedule E increasing the amount owed to the IRS. *See* Doc. #29.
2. Debtor does not object to increasing the amount paid to cure the arrearages owed to USDA Rural Development and to Chrysler Financial. In the Response, Debtor proposes an increase in the dividend to Chrysler Financial by an additional $29.60, but the Response is silent as to what increase is proposed for the USDA Rural Development arrearage.
3. Debtor advises that she has made the July and August plan payments as called for under the original plan. Debtor also says she will increase her plan payment from $3,606.00 to $4,086.00 "starting with month 1-60" and that she will and will immediately cure the delinquency for July and August estimated to be $960.00.

Doc. #31. If this Objection is not withdrawn, a hearing will proceed as scheduled to determine whether the Trustee's objections are resolved.

8. 26-13045-B-13 **IN RE: DOLORES HERNANDEZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-12-2026 [13]

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Continued to September 30, 2026, 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 Dolores Hernandez ("Debtor") on June 26, 2026, on the following basis:

1. The proposed plan offers no treatment of the $18,409.21 priority unsecured claim of the IRS.
2. Schedules A/B must be amended to include Debtor's retirement plan.
3. The 341 meeting of creditors has not been concluded. The continued meeting is set for September 10, 2026.
4. Debtor's 2025 tax refund was not listed on Schedule A/B.

Doc. #13. On August 24, 2026, Debtor filed an Amended Schedule A/B which includes her retirement plan and her tax refund. Doc. #16. On August 26, 2026, Debtor filed a Response, stating:

1. Debtor will increase her monthly plan payment by $331.00 to cover the IRS Claim commencing in September and will remit $662.00 to the Trustee to cover the shortfall for July and August.
2. Debtor will file an Amended Schedule I & J to demonstrate that she can make the proposed increased plan payment of $1,260.00, up from $929.00 in the original plan.

Doc. #18. This appears to resolve Objections #1, #3, and #4, subject to the Trustee's agreement. The continued 341 meeting remains set for September 10, 2026.

This objection will be CONTINUED to September 30, 2026, at 9:30 a.m. Unless the Trustee withdraws this Objection before then, a hearing will proceed to determine whether Trustee's remaining objections are resolved.

9. 26-13046-B-13 **IN RE: ALEXANDRA PEREZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-12-2026 [14]

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: Withdrawn.

No order is required.

On August 26, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #20. Accordingly, this Objection is WITHDRAWN.

10. 26-13147-B-13 **IN RE: JAIME RANGEL AND SANDRA JUAREZ-CORONA**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-13-2026 [17]

LILIAN TSANG/MV
SIMRAN HUNDAL/ATTY. FOR DBT.

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

DISPOSITION: Continued to September 30, 2026, 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 Jaime Rangel and Sandra Juarez-Corona ("Debtors") on July 15, 2026, on the following basis:

1. Debtor's Schedule I must be amended to include the business income and expense statement so that a feasibility analysis can be performed.
    a. Debtor advised Trustee at the 341 meeting of creditors that Debtor has obtained new employment. Trustee requests a copy of the offer letter and pay advices as they become available and also an amended Schedule I that accurately reflects the name and address of Debtor's new employer and other income information.
2. Trustee requests an amended Statement of Financial Affairs to include information about a pending wrongful termination case against Patterson Tow.

Doc. #17.

This objection will be CONTINUED to September 30, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor 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 Debtor does 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. 26-10451-B-13 **IN RE: IAN/KELLEY PAYNE**

ORDER TO SHOW CAUSE REGARDING DISGORGEMENT OF FEES
8-3-2026 [75]

ROBERT WILLIAMS/ATTY. FOR DBT.
DISMISSED 07/09/2026

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

DISPOSITION: Vacated.

ORDER: The court will issue an order.

On August 12, 2026, attorney Robert Williams filed a fee application in the above-styled case as directed by this court's *Order to Show Cause* dated August 3, 2026. Docs. ##78-83. Accordingly, the Order to Show Cause is hereby VACATED.

12. 26-12651-B-13 **IN RE: CHRIS JOHNSON**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
7-20-2026 [13]

NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

On August 11, 2026, Chris Johnson ("Debtor") filed his *First Modified Chapter 13 Plan.* Doc. #25. Accordingly, this Objection to the Chapter 13 Plan dated June 51, 2026, is OVERRULED as moot.

13. 26-13055-B-13 **IN RE: PETRA/JOSEPH RODRIGUEZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-13-2026 [21]

LILIAN TSANG/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.

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

DISPOSITION: Continued to September 30, 2026, 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 Petra and Joseph Rodriguez ("Debtor") on July 13, 2026, on the following basis:

1. Trustee requests an Amended Form 122C-1 which lists only the gross receipts for Debtors' business and an Amended Form 122C-2 which includes ordinary and necessary business expenses.
2. There is a discrepancy between Debtors gross monthly income as reflected on Schedule I and as reflected in his pay advices.
3. Trustee requests an Amended Schedule A/B and an Amended Statement of Financial Affairs to reflect (a) Debtors' interest in a life insurance policy, (b) Debtors' interest in 3 separate retirement accounts, (c)the undisclosed payments by Debtor to a debt consolidation company in 2026 and 2025, and (d) an Amended Schedule A/B to reflect the proper value of Debtors' real property.
4. The Rights and Responsibilities form filed in connection with this case uses an outdated form and must be updated. Also, there is a discrepancy between Section 3.05 of the Plan and the Disclosure of Compensation of Attorney for Debtor that must be resolved.

Doc. #21. On August 19, 2026, Debtors' counsel filed an Amended Attorney Compensation Disclosure Form and an Amended Rights and Responsibilities Form. Docs. ##24-25. Debtors have not addressed the other issue raised by Trustee.

This objection will be CONTINUED to September 30, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor 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 Debtor elects 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 Debtor does 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.

14. 21-12559-B-13 **IN RE: JOANNA CAVAZOS**
TCS-5

MOTION TO MODIFY PLAN
7-28-2026 [73]

JOANNA CAVAZOS/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.

Joanna Cavazos ("Debtor") moves for an order confirming the *Third Modified Chapter 13 Plan* dated July 28, 2026. Docs. #73, #78. Debtor's current plan was confirmed on August 29, 2022. Doc. #31.

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. Debtor's payment for months 1-56 to be an aggregate of $53,293.00. Debtor's monthly payment will be $1000.00 for the remaining life of the plan.
2. All creditors to receive and retain all amounts paid prior to the filing of this plan. All changes in distribution from the prior plan to that listed above to commence in month 57.
3. The distribution to general unsecured creditors will remain at 17.00%, but the estimated claims will increase from $53,235.91 to $60,367.00.

Compare Doc. #24 *and* Doc. #78.

Debtor declares that this modification is necessary because she fell behind on plan payments due to illness. Doc. #76. Debtor's Amended

Schedule I & J dated July 28, 2026, reflects that Debtor can afford the plan payment. Doc. #79.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. 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.

15. 25-11861-B-13 **IN RE: BRIAN/ANGELA CURTIS**
FW-5

MOTION TO MODIFY PLAN
7-16-2026 [57]

ANGELA CURTIS/MV
GABRIEL WADDELL/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined at the hearing.

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

Brian and Angela Curtis ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated July 16, 2026. Docs. #57, #60. Debtor's current plan was confirmed on July 25, 2025. Doc. #32.

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. Plan payments shall be $2,130.00 per month for months 1-12 and $1,195.00 for months 13-60.
2. The attorney fee dividend referenced in Section 3.06 will commence in month 13 (July 2026).
3. The distribution to general unsecured creditors will be reduced from 62.00% on claims estimated to be approximately $119,406.83 to approximately $106,178.83.
4. The balance of attorneys' fees to be paid over the life of the plan through fee applications (of which $11,957.55 has already

been paid (*See Doc. #55*)) is increased from $15,000.00 to $20,000.00.

Doc. #30.

Debtor Brian Andrew Curtis ("Andrew") declares that this modification is necessary because recent injuries have left him permanently disabled and rendered him unable to continue in his former employment. Doc. #59. He will soon switch from short term disability to long term disability, which will only cover 50% of his previous salary for the next two years. *Id.* Andrew is also seeking Social Security Disability. *Id.* Debtors anticipate leaving California for Louisiana in the near future, which they believe will greatly reduce their living expenses. *Id.*

This is borne out by Debtors' *Amended Schedules I & J* dated July 16, 2026, which reflects a reduction in income from $10,708.86 per month down to $8,209.06 per month as a result of both Debtors losing employment and becoming completely dependent on Andrew's $7859.06 in monthly disability income. *Compare* Doc. #36 *with* Doc. #61. Their monthly net income has been reduced from $1,653.59 down to $1,195.70. *Id.* This is sufficient to meet the proposed new plan payments.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. Nevertheless, a hearing in this matter will proceed as scheduled, as the moving papers do not provide an evidentiary basis justifying what appears to be an increase in the outstanding attorney's fees to be paid through the plan from $15,000.00 to $20,000.00. *See* Doc. #60, § 3.05. The court is aware that counsel will be applying for fees under LBR 2016-1(b) Doc. #3. But, Debtor's counsel will have opportunity to address that issue at the hearing, after which, the court may GRANT this motion, GRANT in part and DENY in part, or CONTINUE this matter for further proceedings.

16. 25-24068-B-13 **IN RE: STEVEN OULICKY**
DPC-1

MOTION TO DISMISS CASE
7-30-2026 [18]

DAVID CUSICK/MV
MATTHEW GILBERT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to September 16, 2026, at 9:30 a.m.

ORDER: The court will prepare the order.

On August 31, 2026, Steven Oulicky ("Debtor") filed a Status Report on this motion in which Debtor advised that he had made payments to the Trustee sufficient to cure the delinquency in plan payments which gave rise to this motion. Debtor further advises that the Trustee has indicated the payments will not be fully processed until September 8, 2026, in which to clear. Debtor asks for a brief continuance.

The court finds this request to be well-taken. This matter will be CONTINUED to September 16, 2026, at 9:30 a.m.

17. 26-13168-B-13 **IN RE: KELLI GROVES**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-11-2026 [30]

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The minutes of the hearing will be the court's findings and conclusions.

ORDER: The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the *Order to Show Cause*. Doc. #30.

If the installment fees due at the time of hearing are paid before the hearing, 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.

18. 26-10971-B-13 **IN RE: ANITA IRVEN**

ORDER TO SHOW CAUSE REGARDING DISGORGEMENT OF FEES
8-3-2026 [44]

MARK ZIMMERMAN/ATTY. FOR DBT.
DISMISSED 07/09/2026;

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

DISPOSITION: Vacated.

ORDER: The court will issue an order.

On August 17, 2026, attorney Mark Zimmerman filed a fee application in the above-styled case as directed by this court's *Order to Show Cause* dated August 3, 2026. Docs. ##49-54. Accordingly, the Order to Show Cause is hereby VACATED.

19. 26-13676-B-13 **IN RE: SERGIO LEDEZMA GUERRERO**
DEI-2

MOTION TO EXTEND AUTOMATIC STAY
8-18-2026 [11]

SERGIO LEDEZMA GUERRERO/MV
DONALD IWUCHUKWU/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 court will prepare the order.

Sergio Ledezma Guerrero ("Debtor") requests an order extending the automatic stay under 11 U.S.C. § 362(c)(3). Doc. #11.

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 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.

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.

This Debtor's cases within the last year are as follows:

Docket	Filed	Dismissed	Reason for dismissal
25-24069	8/3/25	6/16/26	Failure to make plan payments
26-13676	8/6/26	Pending	n/a

The automatic stay in the current case will expire on September 5, 2026.

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.

A case is presumptively filed not in good faith as to all creditors if any of the conditions listed 11 U.S.C. § 362(c)(3)(C) exist:

I. more than 1 previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was pending within the preceding 1-year period [§ 362(c)(3)(C)(i)(I)];

II. a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to:

   aa. file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney) [§ 362(c)(3)(C)(i)(II)(aa)];

   bb. provide adequate protection as ordered by the court [§ 362(c)(3)(C)(i)(II)(bb)]; or

   cc. perform the terms of a plan confirmed by the court [§ 362(c)(3)(C)(i)(II)(cc)]; or

III. there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded

   aa. if a case under chapter 7, with a discharge; or

   bb. a case under chapter 11 or 13, with a confirmed plan that will be fully performed[.]

§ 362(c)(3)(C)(i)(I)-(III). To restate these Code provisions more plainly, the rebuttable presumption arises that the latter case was filed not in good faith:

I. If a debtor has had *two or mor*e previous chapter 7, 11, or 13 cases pending within the year preceding the new case which were dismissed for *any reason*. [§ 362(c)(3)(C)(i)(I)];

II. If a debtor has had *one* such case had been pending within the previous year which was dismissed for (aa) failure to file or amend the petition or other required documents without substantial excuse, (bb) failure to provide adequate protection, or (cc) failure to perform the terms of a confirmed plan.
[§ 362(c)(3)(C)(i)(II)(aa-cc)]; or

III. If a debtor has had *one* such case pending within the previous year which was dismissed for *any reason*, and debtor has failed to demonstrate a "substantial change" in the debtor's financial affairs since the prior dismissal such that the court may conclude that the new case will lead to either a chapter 7 discharge or a confirmable chapter 11 or chapter 13 plan.

In addition, the presumption arises as to *any specific creditor* which had commenced a stay relief action in the previous case that was still pending as of the date of dismissal or which had been resolved by terminating, conditioning, or limiting the stay as to the actions of that creditor. § 362(c)(3)(C)(ii).

The presumption of bad faith may be rebutted by clear and convincing evidence. § 362(c)(3)(C). 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)). If the presumption does not arise, the debtor needs to establish good faith by a preponderance of the evidence.

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 because Debtor's prior Chapter 13 case was dismissed for failure to perform the terms of the confirmed plan due to failure to make plan payments. *See Bankr. Case No. 25-24069, Doc. #52 (Order of Dismissal).*

Debtor declares that the previous case was dismissed because he fell behind on plan payments due to an unexpected loss of overtime work and a resultant mental health crisis. Doc. #13. Debtor declares that he has experienced a significant change in financial circumstances consisting of a restructuring of his household expenses, taking in his brother to live with him and pay rent to Debtor, and financial assistance from a friend who will pay Debtor monthly the sum of $530.00 in exchange for being allowed to use Debtor's car. *Id.;* Doc. #14 (Exhibits A and B).

In the present case, Debtor's *Amended Schedule* dated August 18, 2026 (Doc. #9) and his *Schedule J* dated August 6, 2026 (Doc. #1) indicate that Debtor receives a monthly net income of $3,908.59. By comparison, in the previous case, Debtor's monthly net income was only $3,157.27. *See Bankr. Case No. 25-24069, Doc. #1 (Schedule J).* Debtor's financial condition has materially changed since the last case was filed, and his monthly net income is sufficient to cover the proposed monthly plan payment of $1,881.97. Doc. #3. The plan also provides for a 100% distribution to general unsecured creditors. *Id.*

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.

This matter will be called and proceed as scheduled. In the absence of opposition at the hearing, this motion may be GRANTED. 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).

20. 25-13480-B-13 **IN RE: THOMAS DRIGGERS AND IKUMI NONOMURA**
LGT-2

MOTION TO DISMISS CASE
8-5-2026 [34]

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

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

DISPOSITION: Withdrawn.

No order is required.

On August 31, 2026, the Trustee withdrew this Motion to Dismiss Case. Doc. #38. Accordingly, this motion is WITHDRAWN.

21. 26-12597-B-13 **IN RE: COLTON/DANIELLE MASTERS**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-15-2026 [13]

LILIAN TSANG/MV
SCOTT JOHNSON/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Withdrawn.

No order is required.

On August 10, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #19. Accordingly, this Objection is WITHDRAWN.

22. 26-12598-B-7 **IN RE: GEORGE/REGINA LODATO**

ORDER TO SHOW CAUSE REGARDING DISGORGEMENT OF FEES
8-3-2026 [43]

SCOTT JOHNSON/ATTY. FOR DBT.
DISMISSAL VACATED ON 8/13/26

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined at the hearing.

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

The docket reflects that Gary Fraley ("Fraley") has not responded to the court *Order to Show Cause* why attorney Gary Fraley should not be compelled to disgorge all attorney fees received in this case to Debtors George and Regina Lodato. *See Docket generally.* However, the Debtors, who have obtained new counsel and have successfully rescued the case from the dismissal which had resulted from Fraley's missteps as Debtors' counsel, have filed a Response which outlines Fraley's alleged deficiencies and requests complete disgorgement of fees.

Hearing in this matter will proceed as scheduled, and the court will make a determination as to the appropriateness of disgorgement at that time.

23. 26-13199-B-13 **IN RE: LABELL MILLS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-13-2026 [22]

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

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

DISPOSITION: Vacated.

ORDER: The court will issue an order.

The docket in the above-styled case reflects that Labell Mills ("Debtor") paid $180.00 to the Clerk's office, which was sufficient to cure the delinquency and also prepay Debtor's September fee installment payment. Accordingly, the Order to Show Cause is VACATED.

Debtor is reminded that the balance of her filing fees are due in two payments to be paid on or before October 7, 2026, and November 6, 2026. 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.

11:00 AM

1. 24-10060-B-13 **IN RE: JENNIFER GITMED**
   HDN-4

   CONTINUED PRE-TRIAL CONFERENCE RE: AMENDED OBJECTION TO CLAIM OF INTERNAL REVENUE SERVICE, CLAIM NUMBER 1
   7-26-2024 [84]

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

NO RULING.

2. 26-11863-B-7 **IN RE: JUSTINE/ANTHONY MORENO**
   26-1039 CAE-1

   STATUS CONFERENCE RE: COMPLAINT
   7-2-2026 [1]

   MORENO V. UNITED STATES DEPARTMENT OF EDUCATION
   ANTHONY ROTHMAN/ATTY. FOR PL.

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

DISPOSITION: Concluded and dropped from the calendar.

ORDER: The court will issue an order.

On August 28, 2026, Justine Moreno ("Plaintiff") filed a *Notice of Voluntary Dismissal* in the above-styled adversary proceeding. Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

3. 26-10466-B-7 **IN RE: BRYAN JOHNSON**
   26-1033 CAE-1

   CONTINUED STATUS CONFERENCE RE: COMPLAINT
   5-26-2026 [1]

   JOHNSON V. JOHNSON
   DEAN RALLIS/ATTY. FOR PL.

NO RULING.

4. 26-10466-B-7 **IN RE: BRYAN JOHNSON**
26-1033 DGR-1

MOTION FOR LEAVE TO AMEND COMPLAINT
7-28-2026 [14]

JOHNSON V. JOHNSON
JAMES NOBLE/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.

Christina Lee Johnson ("Plaintiff") moves pursuant to Fed. R. Civ. P. 15 ("Rule 15"), made applicable to adversary proceedings by Fed. R. Bankr. P. 7015, for leave to amend the Complaint in order to add causes of action under 11 U.S.C. § 523(a)(6) and 11 U.S.C. § 523(a)(15), which are available in Chapter 7 cases but not in Chapter 13 cases. Doc. #14. The Defendant is Bryan Neal Johnson ("Defendant") who is the debtor in the underlying Chapter 7 case.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's 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). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

The court notes the existence of a procedural issue that, in other contexts, would lead to this motion being denied without prejudice.

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the initials of the attorney for the moving party (e.g., first, middle, and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

Here, the Plaintiff has previously filed a Discovery Plan dated July 22, 2026, under DCN DGR-1. Doc. #12. The DCN for this motion is also DGR-1, and therefore, it does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

That said, the instant motion is unopposed, and so the court will overlook the procedural error. Future indiscretions of this nature will be met with swift denial.

Rule 15 states in relevant part:

> (a) Amendments Before Trial.
>
> > (1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course no later than:
> >
> > > (A) 21 days after serving it, or
> > >
> > > (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.
> >
> > (2) Other Amendments. In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

Fed. R. Civ. P. 15. The Supreme Court has said that leave to amend should be freely given except where there are valid reasons to deny the motion. *Foman v. Davis,* 371 U.S. 178 (1962). The Ninth Circuit has directed that the court consider the following five factors: "(1) undue delay; (2) bad faith or dilatory motive by the movant; (3) repeated failure to cure deficiencies by previous amendments; (4) undue prejudice to the opposing party; and (5) futility of amendment." *In re Lockhart-Johnson*, 631 B.R. 38, 48 (B.A.P. 9th Cir. 2021).

Plaintiff argues that all five factors support granting the motion. Doc. #14.

> The most important factors are whether amendment will cause Defendant undue prejudice and whether an amendment would be futile. Here, there is no prejudice to Defendant because this case is at a very early stage and the basic factual nexus for Plaintiff's new causes of action is the same as what she has already pleaded. Defendant's conversion of the underlying bankruptcy case from Chapter 13 to Chapter 7 has made additional theories of recovery available that were previously not available under

> § 1328(a)(2). The additional theories Plaintiff brings under 11 U.S.C. § 523(a)(6) and 11 U.S.C. § 523(a)(15) would have been included if Defendant had filed under Chapter 7 initially. Similarly, Plaintiff's proposed amendment is not futile. She has good cause to amend her Complaint to include additional theories of recovery that share the same strong factual foundation as her other claims.

Id.

No party in interest timely filed written opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED.

5. 21-12473-B-7 **IN RE: BLAIN FARMING CO., INC.**
   23-1040 CAE-1

   CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
   4-13-2026 [123]

   KING V. BLAIN

NO RULING.

6. 25-10088-B-11 **IN RE: AMY CORPUS**
   25-1017 CAE-1

   CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
   10-16-2025 [37]

   SLOVER ET AL V. CORPUS
   JEFFREY HOGUE/ATTY. FOR PL.

NO RULING.