UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, September 3, 2026
Department A – Courtroom #11
Fresno, California

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

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

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

Please also note the following:

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

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

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

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

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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.

9:30 AM

1. 26-11602-A-13 **IN RE: KIRK BRIGGS**
   SSH-2

   MOTION TO CONFIRM PLAN
   7-16-2026 [45]

   KIRK BRIGGS/MV
   SIMRAN HUNDAL/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

2. 26-13108-A-13 **IN RE: JOEY/MYKAILA TAYLOR**
   LGT-1

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

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

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and opposition can be presented at the hearing. Based on the pleadings filed in response to the objection, the court will continue the hearing on this objection to September 24, 2026 at 9:30 a.m. This matter will proceed as scheduled.

Joey Leon Taylor Jr. and Mykaila Mercedes Taylor (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on June 30, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) an amended Schedule D needs to be filed that accurately reflects Debtors' secured claims; and (2) a motion to value the collateral of Najolia Enterprises ("Creditor") needs to be filed for the Trustee to determine plan feasibility. Doc. #12.

On August 25, 2026, Debtors responded to Trustee's objection to confirmation stating that Debtors have filed an amended Schedule D and a motion to avoid lien of Creditor. Doc. #24; Am. Schedule D, Doc. #17. Debtors' motion to avoid Creditors' lien is set for hearing on September 24, 2026 at 9:30 a.m. Doc. #20.

On August 27, 2026, Trustee filed a reply to Debtors' response stating, among other things, that Trustee does not oppose continuing the hearing on her objection to confirmation to be heard with the hearing on Debtors' motion to avoid lien. Doc. #28.

Accordingly, pending any opposition at the hearing, the court will continue the hearing on this objection to confirmation to September 24, 2026 at 9:30 a.m. to be heard with Debtors' motion to avoid lien. Doc. #28.

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

MOTION TO VALUE COLLATERAL OF TRI COUNTIES BANK
7-30-2026 [19]

DAVID LEBOUTILLIER/MV
PETER MACALUSO/ATTY. FOR DBT.
CONT'D TO 10/13/26 PER ECF ORDER #40

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

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

NO ORDER REQUIRED.

The parties have stipulated to continue the hearing on this motion to October 13, 2026 at 2:00 p.m. The court already issued an order on August 19, 2026. Doc. #40.

4. 26-11017-A-13 **IN RE: YESICA COLMENARES**
FW-1

CONTINUED MOTION TO CONFIRM PLAN
6-18-2026 [18]

YESICA COLMENARES/MV
PETER SAUER/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.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew the opposition, stating the debtor has resolved the issues raised in Trustee's opposition. See Opp'n, Doc. #31; Opp'n Withdrawal, Doc. #38. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

5. 26-13524-A-13 **IN RE: JOSALYNN AGUILERA AND NATHANIEL AGUILERA-RONQUILLO**
SLH-1

MOTION TO VALUE COLLATERAL OF TRAVIS CREDIT UNION
8-6-2026 [8]

NATHANIEL AGUILERA-RONQUILLO/MV
SETH HANSON/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.

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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 Travis Credit Union ("Creditor") does not satisfy Rule 7004.

Rule 7004(b)(3) provides that service upon an 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). The certificate of service filed in connection with this motion shows that service on Creditor was not addressed to the attention of the necessary person for proper service on Creditor. See Doc. #11. Accordingly, service of the motion does not comply with Rule 7004(b).

6. 26-10127-A-7 **IN RE: ESTEVAN/DIANA PEREZ**
LGT-1

MOTION TO DISMISS CASE
8-4-2026 [64]

LILIAN TSANG/MV
BENNY BARCO/ATTY. FOR DBT.
CONVERTED 8/11/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

A notice of voluntary conversion was entered in this bankruptcy case on August 11, 2026. Doc. #72. Therefore, the motion to dismiss the chapter 13 case is DENIED AS MOOT.

7. 26-10827-A-13 **IN RE: ENACIO/MARY AZEVEDO**
SSH-1

MOTION TO CONFIRM PLAN
7-13-2026 [26]

MARY AZEVEDO/MV
SIMRAN HUNDAL/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

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

8. 26-11828-A-13 **IN RE: ARMANDO MARTINEZ**

MOTION TO CONFIRM PLAN
7-30-2026 [28]

ARMANDO MARTINEZ/MV
BRYAN DIAZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

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 30, 2026 using a Clerk's Matrix of Creditors that was generated on June 2, 2026. Doc. #27-30. Accordingly, service of notice of the motion does not comply with LBR 7005-1(d).

As a further procedural matter, the exhibits filed in connection with this motion do not comply with LBR 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. Here, the declaration was filed as a single document that included the movant's exhibits. Doc. #30. In addition, the proof of service was filed as a single document with the moving papers. Doc. #28.

As a further procedural matter, the certificate of service filed in connection with the moving papers does not comply with LBR 7005-1, which require attorneys and trustees to use the court's Official Certificate of Service Form.

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). Here, no DCN was assigned to the moving papers.

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As a further 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 court encourages counsel 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.

Even if notice was proper, the court would deny the motion based on the merits. The opposition to the motion filed by the chapter 13 trustee ("Trustee") states, among other issues, that the plan improperly classifies Shellpoint Mortgage ("Creditor") in both Class 1 and Class 4. Doc. #31. According to Creditor's proof of claim, Creditor lists pre-petition mortgage arrears in the amount of $5,020.41. Doc. #31; Claim 7. Because Class 4 is for claims paid directly by the debtor or a third party that mature after completion of the plan, are not in default, and are not modified by the plan, Creditor cannot be placed in Class 4 of the plan. Plan, Doc. #27. Moreover, Creditor should only be placed in one class under the plan, not in two different classes. Because a new plan must be filed to resolve Trustee's opposition, the court would deny the debtor's motion to confirm even if notice had been proper.

Accordingly, the motion to confirm is DENIED.

9. 26-12329-A-13 **IN RE: MICHAEL/KATRINA DOYLE**
JDS-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
7-7-2026 [18]

ALLY BANK/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.
JACQUELINE SERRAO/ATTY. FOR MV.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on July 30, 2026. Doc. #29.

10. 26-12032-A-13 **IN RE: JAIRO CHACON AND ANA ALVAREZ CHACON**
LGT-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
6-17-2026 [16]

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.

This objection is OVERRULED AS MOOT. The debtors filed a modified plan on August 26, 2026 (NES-1, Doc. #35), with a motion to confirm the modified plan set for hearing on October 22, 2026 at 9:30 a.m. Doc. ##31-36.

11. 26-12032-A-13 **IN RE: JAIRO CHACON AND ANA ALVAREZ CHACON**
RH-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY CREDITOR CAPITAL ONE AUTO FINANCE
5-29-2026 [12]

CAPITAL ONE AUTO FINANCE, A DIVISION OF CAPITAL ONE, N.A.
NEIL SCHWARTZ/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. The debtors filed a modified plan on August 26, 2026 (NES-1, Doc. #35), with a motion to confirm the modified plan set for hearing on October 22, 2026 at 9:30 a.m. Doc. ##31-36.

12. 19-13645-A-13 **IN RE: GUSTAVO/BEATRIZ ROCHA**
SLL-6

MOTION FOR COMPENSATION FOR STEPHEN LABIAK, DEBTORS ATTORNEY(S)
8-4-2026 [106]

STEPHEN LABIAK/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 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.

Stephen L. Labiak ("Movant"), counsel for Gustavo Rocha and Beatriz Rocha (together, "Debtors"), the debtors in this chapter 13 case, requests allowance of final compensation in the amount of $1,475.00 and reimbursement for expenses in the amount of $24.31 for services rendered March 10, 2025 to June 5, 2026.[1] Doc. #106. However, as there is only $1,245.70 for attorney's fees and costs available in the confirmed plan, Movant only seeks payment of $1,245.70. Id. Debtors' confirmed plan provides, in addition to $300.00 paid prior to filing the case, for $10,700.00 in attorney's fees. Am. Plan, Doc. ##61, 71. Two prior fee applications have been granted, allowing interim compensation to Movant pursuant to 11 U.S.C. § 331 in the aggregate amount of $9,185.00 and reimbursement of expenses in the aggregate amount of $260.30. Order, Doc. #46; Order, Doc. #102. Movant requests final allowance of the fees and reimbursement of expenses previously awarded on an interim basis. Doc. #106.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Here, Movant demonstrates services rendered relating to: (1) communicating with Debtors regarding mortgage servicer and escrow changes; (2) modifying a claim to update address information; (3) preparing for discharge and case closing; and (4) preparing and filing final fee application. Doc. #106. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on a final basis. The court further finds all fees and expenses of Movant previously allowed on an interim basis are reasonable and necessary.

This motion is GRANTED. The court allows on a final basis all fees and expenses previously allowed to Movant on interim bases, in addition to compensation requested by this motion in the amount of $1,475.00 and reimbursement for expenses in the amount of $24.31. Based on Movant's request, the court authorizes $1,245.70 of the amount awarded to be paid in a manner consistent with the terms of the confirmed plan.

[1] The motion states that the services that form the basis of this third request for fees and costs were rendered from March 10, 2025 to December 31, 2026. Doc. #106. Because December 31, 2026 has not yet passed, the court will use June 5, 2026 as the end date for services rendered as supported by Movant's billing statement (Ex. A, Doc. #108).

13. 26-13153-A-13 **IN RE: LUIS LOPEZ ANGULO**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
8-13-2026 [14]

SANAZ BERELIANI/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection to confirmation is OVERRULED AS MOOT. The debtor filed a first amended plan on August 28, 2026 (Doc. #17). As a procedural matter, the debtor needs to file and serve a motion to confirm that plan as required by Local Rule of Practice 3015-1(d)(1).

14. 26-13156-A-13 **IN RE: JESUS/MARIA RESENDEZ**
KMM-1

OBJECTION TO CONFIRMATION OF PLAN BY TOYOTA MOTOR CREDIT CORPORATION
8-6-2026 [15]

TOYOTA MOTOR CREDIT CORPORATION/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled as moot.

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

The court is sustaining the chapter 13 trustee's objection to confirmation [LGT-1] in calendar matter #15 below. Therefore, this objection to confirmation of the plan [KMM-1] will be OVERRULED AS MOOT.

15. 26-13156-A-13 **IN RE: JESUS/MARIA RESENDEZ**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-17-2026 [21]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. While not required, the debtors filed a written response to the objection. Doc. #26. Unless opposition is presented at the hearing, the court intends to enter the defaults of the non-responding parties and sustain the objection. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Jesus Silva Resendez and Maria Guadalupe Resendez (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on July 3, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) an amended Schedule I needs be filed with the rental property income and expense attachment; (2) either an amended Schedule C or verification needs to be filed to show Debtors qualification for the homestead exemption asserted; and (3) Toyota Motor Creditor Corporation ("Creditor") is misclassified as a Class 1 claim. Doc. #21.

On August 26, 2026, Debtors responded to Trustee's objection to confirmation stating: (1) Debtors have filed an amended Schedule I; (2) Debtors have filed an amended Schedule C; and (3) Debtors will file an amended chapter 13 plan to resolve Creditor's misclassification. Doc. #26.

Because Debtors intend to file a new chapter 13 plan, the court will sustain the objection.

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

16. 26-13161-A-13 **IN RE: SUSIE CHUONG**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
8-13-2026 [15]

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

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

Susie Cu Chuong ("Debtor") filed a voluntary petition under chapter 13 on July 6, 2026 along with a chapter 13 plan ("Plan") on July 20, 2026. Doc. ##1, 10. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because, among other issues, the Plan was filed on the wrong form. Doc. #15. The Plan was not filed on form EDC 3-080 (rev. 11/9/18). Id. According to Trustee, this is not a correction that can be made in the order confirming plan, and a new plan needs to be filed.

Because a new plan must be filed to resolve this objection, the court will sustain the objection and deny confirmation rather than continue the hearing on Trustee's objection to allow a response from Debtor. In addition to filing and serving a new plan on the proper form, Debtor also must file and serve a motion to confirm that plan as required by LBR 3015-1(d)(1).

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

17. 26-13161-A-13 **IN RE: SUSIE CHUONG**
RAS-1

OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION
8-19-2026 [22]

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION/MV
DAVID COATS/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled as moot.

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

The court is sustaining the chapter 13 trustee's objection to confirmation [LGT-1] in calendar matter #16 above. Therefore, this objection to confirmation of the plan [RAS-1] will be OVERRULED AS MOOT.

18. 25-12265-A-13 **IN RE: MANUEL/RISSY MONTOYA**
AOE-5

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

RISSY MONTOYA/MV
ANTHONY EGBASE/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

19. 25-12265-A-13 **IN RE: MANUEL/RISSY MONTOYA**
LGT-4

CONTINUED MOTION TO DISMISS CASE
3-13-2026 [94]

LILIAN TSANG/MV
ANTHONY EGBASE/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

20. 26-12973-A-13 **IN RE: NATHAN DOYLE**
LGT-1

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

NEIL SCHWARTZ/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

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

Nathan Andrew Doyle Sr. ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on June 26, 2026. Doc. ##1, 2. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because, among other issues, the Plan does not provide for attorney's fees and is incomplete. Doc. #12. Specifically, Section 3.06 of the Plan proposes $0.00 per month towards payment of $9,500.00 in attorney's fees. Plan, Doc. #2. Trustee requests an amended plan specifying the monthly attorney fee dividend. Doc. #12. Additionally, the Plan is missing pages four and five. Id. According to Trustee, this is not a correction that can be made in the order confirming plan, and a new plan needs to be filed.

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

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

21. 25-14175-A-13 **IN RE: SANDRA VIZCARRA**
KMM-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-31-2026 [28]

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

The movant, Toyota Lease Trust as serviced by Toyota Motor Credit Corporation ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2024 Toyota Tacoma, VIN: 3TMLB5JN3RM055888 ("Vehicle"). Doc. #28. The debtor's possession of the Vehicle stems from a lease agreement with Movant that matures on October 21, 2027. Ex. A, Doc. #31. According to the debtor's confirmed chapter 13 plan, the lease with Movant has been assumed. Plan, Doc. #3; Order, Doc. #22.

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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 three complete post-confirmation payments. Movant has produced evidence that the debtor is delinquent by at least $2,946.32. Decl. of Maria Rocha, Doc. #30.

Accordingly, 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)(4) will be ordered waived because the debtor has failed to make at least three post-confirmation payments to Movant in accordance with the assumed lease agreement.

22. 26-11276-A-13 **IN RE: ROBERT HEARD**
NES-1

CONTINUED MOTION TO CONFIRM PLAN
6-24-2026 [32]

ROBERT HEARD/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped as moot.

ORDER: The court will issue an order.

This motion to confirm is DROPPED AS MOOT. The debtor filed a modified plan on August 27, 2026 (NES-2, Doc. #52), with a motion to confirm the modified plan set for hearing on October 22, 2026 at 9:30 a.m. Doc. ##48-53.

23. 26-12984-A-13 **IN RE: ARCHIE/AMANDA HAMILTON**
LGT-1

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-12-2026 [17]

LILIAN TSANG/MV
KEVIN TANG/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

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

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

On June 28, 2026, Archie Hamilton and Amanda Hamilton (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan"). Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because, among other things, the Plan improperly classifies Logix Federal Credit Union ("Creditor"). Doc. #17. Specifically, the Plan places Creditor in Class 4, which is for claims paid directly by Debtors or a third party that mature after completion of the plan, are not in default, and are not modified by the plan. Plan, Doc. #3. According to Creditor's proof of claim, Creditor lists pre-petition arrears in the amount of $2,471.94. Doc. #17; Claim 1.

Since Creditor cannot be placed in Class 4 if there was a pre-petition arrear, Creditor must be placed in a different class, which requires a new chapter 13 plan to be filed and a new motion to confirm that plan be filed, noticed, and set for hearing as required by LBR 3015-1(d)(1). Because a new plan must be filed to resolve this opposition, the court will sustain the objection to confirmation rather than continue the hearing on Trustee's objection to allow a response from Debtors addressing all issues raised in Trustee's objection.

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

24. 21-22085-A-13 **IN RE: SHARRON WINGHAM**
DPC-5

MOTION TO DISMISS CASE
8-5-2026 [136]

DAVID CUSICK/MV
BERT VEGA/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 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 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 ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(6) for failure of the debtor to complete the terms of the confirmed plan. Doc. #136. This case was filed on June 2, 2021 and should have been completed in June 2026. Id. The debtor has paid a total of $54,219.50 in plan payments with the last payment received on June 12, 2026. The debtor is delinquent $9,513.05 in plan payments to Trustee through August 2026. Decl. of Teryl Wegemer, Doc. #138. This case is currently in month 62 of a 60-month plan, so the delinquent amount is the amount required to complete the case. Doc. #136. While no further plan payments will come due prior to the hearing, for every month after August 2026 that the plan is not complete, an additional amount of $423.00 will be due to pay the Class 1 creditor plus Trustee's fees. Id. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(6) for the debtor's failure to complete the terms of the confirmed plan.

According to Trustee's records, there is $2,848.42 in non-exempt equity in the assets listed on Schedule A/B. Wegemer Decl., Doc. #138. Trustee does not believe that this amount of non-exempt equity warrants converting the case to a chapter 7. Doc. #136. A review of the debtor's Schedules A/B, C and D shows that, as of the petition date in June 2021, there was approximately $2,743.00 in non-exempt equity in a 2015 Nissan Sentra and a 2001 Mercedes-Benz CLK after considering secured claims and the debtor's claimed exemptions. Doc. ##1, 31. Because the value of the two vehicles has likely decreased over the past five years that this case has been pending, the court agrees with Trustee that there is insufficient non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed. Thus, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED. The case will be dismissed.

25. 25-26886-A-13 **IN RE: BRENDOLYNN CHAMPLAIE**
GO-2

CONTINUED MOTION TO CONVERT CASE FROM CHAPTER 13 TO CHAPTER 7, MOTION TO DISMISS CASE
4-9-2026 [84]

RCVI GROUP INC./MV
PETER MACALUSO/ATTY. FOR DBT.
GIOVANNI ORANTES/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

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Movant withdrew the motion to convert case from chapter 13 to chapter 7 on September 2, 2026. Doc. #176.

26. 25-26792-A-13 **IN RE: WILLIAM ANRIG**
DPC-1

MOTION TO DISMISS CASE
8-4-2026 [57]

DAVID CUSICK/MV
MICHAEL HAYS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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). On August 20, 2026, the debtor filed a statement acknowledging that the debtor has no grounds to oppose dismissal. Doc. #63. The failure of any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(6) for failure of the debtor to make all payments due under the plan. Doc. #57. The debtor is delinquent in the amount of $5,754.00. Id. Before this hearing, another plan payment in the amount of $2,877.00 will also come due. Id. The debtor does not oppose dismissal. Doc. #63.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for "cause". There is "cause" for dismissal under 11 U.S.C. § 1307(c)(6) for the debtor's failure to make all payments due under the plan.

While the debtor does not oppose dismissal, the court must consider whether dismissal or conversion is in the best interests of the estate. A review of the debtor's Schedules A/B, C and D shows that there is minimal 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 in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED. The case will be dismissed.

27. 26-10892-A-13 **IN RE: WILLIAM/JULIE WILSON**
RSW-1

MOTION TO CONFIRM PLAN
7-28-2026 [35]

JULIE WILSON/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date as required by Local Rule of Practice 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an opposition to the debtors' motion to confirm the chapter 13 plan. Tr.'s Opp'n, Doc. #46. Trustee's opposition to confirmation states that, among other issues, the plan improperly classifies secured creditor Mortgage Research Center LLC/Rocket Mortgage LLC ("Creditor"). Doc. #46. Specifically, the plan places Creditor in Class 4, which is for claims paid directly by the debtors or a third party that mature after completion of the plan, are not in default, and are not modified by the plan. Plan, Doc. #39. According to Creditor's proof of claim, Creditor lists pre-petition mortgage arrears in the amount of $1,006.34. Doc. #46; Claim 10.

Since Creditor cannot be placed in Class 4 if there is a pre-petition arrear, Creditor must be placed in a different class, which requires a new chapter 13 plan to be filed and a new motion to confirm that plan be filed, noticed, and set for hearing. Because a new plan must be filed to resolve this opposition, the court will deny confirmation rather than continue the hearing on the debtors' motion to confirm to allow a response from the debtors addressing all issues raised in Trustee's opposition.

Accordingly, the motion to confirm will be DENIED.

28. 25-13795-A-13 **IN RE: CHRISTOPHER MORRIS**
LGT-2

CONTINUED MOTION TO DISMISS CASE
4-16-2026 [58]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

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

By this motion to dismiss filed and served on April 16, 2026, the chapter 13 trustee ("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. Doc. #58. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to file and set a modified plan for hearing with notice to creditors. Id. The debtor's chapter 13 bankruptcy case was filed on November 10, 2025 (Doc. #1), and a review of the docket shows that the debtor has not yet confirmed a chapter 13 plan.

The debtor did not oppose the motion in writing but appeared at the original hearing on the motion held on May 21, 2026. At the May 21 hearing, the court continued the matter to be heard with the hearing on the motion to confirm the debtor's amended plan (TCS-4), although there was no certificate of service filed to show that the motion to confirm and supporting documents were properly served. Doc. #71-76. The hearing on this motion was continued again to September 3, 2026 to be heard with the continued hearing to confirm the debtor's third modified plan (TCS-5). Doc. ##103-109. Because the debtor has not responded to the trustee's objection to confirmation of the debtor's third modified plan in a manner ordered by the court, confirmation of the debtor's third modified plan is denied by final ruling. See calendar matter # 29 below.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "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). Here, there is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors by the debtor's failure to confirm a chapter 13 plan during the nearly ten months that this chapter 13 case has been pending.

A review of the debtor's Schedules A/B, C and D shows that there is minimal equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is minimal non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

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

29. 25-13795-A-13 **IN RE: CHRISTOPHER MORRIS**
TCS-5

CONTINUED MOTION TO CONFIRM PLAN
6-25-2026 [103]

CHRISTOPHER MORRIS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

Christopher John Morris ("Debtor") filed and served this motion to confirm the second modified chapter 13 plan on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice 3015-1(d)(1) and set that motion for hearing on July 30, 2026. Doc. ##103-109. The chapter 13 trustee ("Trustee") filed an objection to Debtor's motion to confirm the chapter 13 plan because: (1) an amended Schedule D needs to be filed that accurately reflects and provides for Debtor's recured claims; (2) an amended plan needs to be filed that places American Honda Finance ("Creditor") back in Class 2(B); and (3) the plan misstates Debtor's aggregate plan payments for months 1 through 7. Doc. #111.

The court continued this matter to September 3, 2026 and ordered Debtor to file and serve a written response to Trustee's objection by August 20, 2026; or if Debtor elected to withdraw this plan, then Debtor had to file, serve, and set for hearing a confirmable modified plan by August 27, 2026. Order, Doc. #116.

Having reviewed the docket in this case, the court finds Debtor has not voluntarily converted this case to chapter 7 or dismissed this case, and Trustee's objection has not been withdrawn. Further, Debtor has not filed and served any written response to Trustee's objection. Debtor has not filed, served, and set for hearing a confirmable modified plan by the time set by the court.

Accordingly, Debtor's motion to confirm his third modified chapter 13 plan is DENIED on the grounds set forth in Trustee's opposition.

30. 26-12866-A-13 **IN RE: AMARDEEP WARAICH**
LGT-1

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

LILIAN TSANG/MV
MUOI CHEA/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on August 31, 2026. Doc. #42.

11:00 AM

1. 26-10330-A-7 **IN RE: VANNESSA VALDEZ**
   26-1016 CAE-1

   CONTINUED STATUS CONFERENCE RE: COMPLAINT
   4-14-2026 [1]

   VALDEZ V. UNITED STATES DEPARTMENT OF EDUCATION ET AL
   RESPONSIVE PLEADING

NO RULING.

2. 23-23376-A-7 **IN RE: JOSEPH/RACHEL DIAZ**
   25-2112

   CONTINUED PRE-TRIAL CONFERENCE RE: COMPLAINT FOR REVOCATION OF DISCHARGE
   8-28-2025 [1]

   FARRIS V. DIAZ ET AL
   GABRIEL HERRERA/ATTY. FOR PL.

NO RULING.

3. 24-22876-A-7 **IN RE: JARED/ERIN CULLOP**
   26-2065 CAE-1

   CONTINUED STATUS CONFERENCE RE: COMPLAINT
   6-8-2026 [1]

   BIRNBERG V. CONTINUANT, INC.
   J. CUNNINGHAM/ATTY. FOR PL.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 22, 2026 at 11:00 a.m.

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

Because the court intends to continue the hearing on the motion for default judgment to October 22, 2026 at 11:00 a.m. (*see* calendar matter #4 below), the status conference will be continued to October 22, 2026 at 11:00 a.m. The parties shall file either joint or unilateral status report(s) not later than October 15, 2026.

4. 24-22876-A-7 **IN RE: JARED/ERIN CULLOP**
26-2065 DML-1

MOTION FOR ENTRY OF DEFAULT JUDGMENT
8-6-2026 [18]

BIRNBERG V. CONTINUANT, INC.
J. CUNNINGHAM/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 22, 2026 at 11:00 a.m.

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

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 defendant 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). However, on August 27, 2026, the defaulted defendant filed a written response to this motion. Doc. #25. The matter will proceed as scheduled.

Ethan J. Birnberg ("Plaintiff"), chapter 7 trustee of the bankruptcy estate of Jared Allen Cullop and Erin Eddings Cullop (together, "Debtors"), commenced this adversary proceeding by filing a complaint on June 8, 2026 ("Complaint") against Continuant, Inc. ("Defendant"). Doc. #1. By the Complaint, Plaintiff seeks to: (1) avoid and recover pre-petition transfers pursuant to 11 U.S.C. § 547(b); (2) compel Defendant to account for and deliver to Plaintiff outstanding commissions pursuant to 11 U.S.C. § 542(a); (3) avoid and recover post-petition transfers pursuant to 11 U.S.C. § 549(a), § 550(a)(1) and (a)(2); (4) determine Defendant is in contempt of the automatic stay pursuant to 11 U.S.C. § 105(a); (5) disallow Defendant's proof of claim ("Claim 6") pursuant to 11 U.S.C. § 502(d); and (6) determine breach of contract by Defendant pursuant to California Civil Code § 3300. Id.

RELEVANT FACTS

Debtors filed a voluntary chapter 13 bankruptcy petition on June 30, 2024, and subsequently voluntarily converted their case to chapter 7 on July 31, 2025. Case No. 24-22876, Doc. ##1, 42. On August 1, 2025, Plaintiff was appointed as the chapter 7 trustee for Debtors' estate. Compl. ¶ 3, Doc. #1.

Defendant is a global managed service provider, systems integrator, and technology consulting firm specializing in enterprise unified communications, cloud collaboration, and audiovisual systems. Decl. of Jared Cullop ¶ 3, Doc. #21. On May 1, 2018, debtor Jared Cullop sold the assets of his company, JCI Marketing, to Defendant, which in turn hired Mr. Cullop as its Vice President of Sales and Marketing. Id. at ¶ 4. In 2019, Defendant changed Mr. Cullop's title to Director of Sales. Id.

From 2019 to 2022, Mr. Cullop declined offers by Doug Graham ("President"), Defendant's President, for Mr. Graham to prepare Mr. Cullop's personal income tax returns. Decl. of Jared Cullop ¶ 5, Doc. #21. On or about April 17, 2023, Mr. Cullop confided to President that Mr. Cullop was feeling financial stress related to back taxes Debtors owed to the IRS for the 2021 and 2022 tax years.

Id. at ¶ 6. That same day, President walked into Mr. Cullop's office and handed Mr. Cullop a joint tax return for 2023 for Debtors that President had prepared and filed without Debtors' permission, although Mr. Cullop believed that President was going to prepare a draft for Debtors to review and approve before filing. Id. Defendant unilaterally made income tax payments for the 2021 and 2022 tax years in the amount of $20,095.00 and 2023 quarterly payments in the aggregate amount of $15,820.00 on behalf of Debtors. Id. at ¶ 6. Mr. Cullop was told that those payments would be treated as a loan from Defendant, accruing 6% interest, with $179.58 monthly interest payments to be paid by payroll deduction and the principal due by the end of the year. Id.

On April 30, 2024, Mr. Cullop was terminated by Defendant. Decl. of Jared Cullop ¶ 7, Doc. #21. On May 1, 2024, Defendant presented Mr. Cullop with Defendant's accounting of credits and debits, which disclosed a balance due in the amount of $27,595.37. Id. at ¶ 8. On May 2, 2024, President advised Mr. Cullop that Defendant's company policy is to offset debts to Defendant before any final payroll payout, which would leave Mr. Cullop with a zero paycheck on May 10, 2024, and, even with that payment, Mr. Cullop still owed Defendant around $30,000.00, but President was open to discuss a plan on how to deal with the balance owed. Id. at ¶ 9. On May 10, 2024, Defendant presented additional recoupment in the combined amount of $1,979.29 to Mr. Cullop. Id. at ¶ 10.

Prior to Mr. Cullop's termination, in January 2024, Mr. Cullop's five-year "pure profit" University of Houston deal closed. Cullop Decl. ¶ 12, Doc. #21. Under Mr. Cullop's compensation agreement, starting on or before mid-February 2024, Mr. Cullop was due $3,600.00 per year for five years, for a total of $18,000.00 ("Houston Commission"). Id. In mid-April 2024, Mr. Cullop's five-year "pure profit" deal with JB Hunt closed. Id. at ¶ 13. Under Mr. Cullop's compensation agreement, starting on or before mid-May 2024, Mr. Cullop was due $15,718.21 per year for five years for a total of $78,591.05 ("Hunt Commission" and together with Houston Commission, the "Outstanding Commission"). Id. Defendant's accounting done on May 1, 2024, did not include the Outstanding Commission in the aggregate amount of $96,591.05. Id. at ¶ 14. Therefore, at the time Debtors filed their bankruptcy petition, Defendant owed Mr. Cullop at least $68,995.68. Id. at ¶ 15.

In July 2024, after receiving notice of Debtors' bankruptcy filing, President made 6 to 10 harassing calls to Mr. Cullop, threatening financial actions unless Mr. Cullop signed away his rights to sue or claim the Outstanding Commissions. Cullop Decl., ¶ 16, Doc. #21.

On August 24, 2024, Defendant filed Claim 6 in Debtors' bankruptcy case. Claim 6, Case No. 24-2276. In Claim 6, Defendant asserts an unsecured claim against Debtors, which is described as a company loan taken out by Mr. Cullop to pay off IRS tax debt and is supported by email exchanges between Defendant and Mr. Cullop. Ex. B, Doc. #22. In October 2024, while Debtors' bankruptcy case was pending under chapter 13, Defendant sent a pay advice to Mr. Cullop that reported gross earnings equal to the amount of the Hunt Commission and the recoupment portion asserted in Claim 6, among other things. Cullop Decl. ¶ 17, Doc. #21; Ex. A, Doc. #22.

On June 8, 2026, Trustee commenced this adversary proceeding by filing the Complaint against Defendant. Doc. #1. On June 9, 2026, Defendant was served with the Complaint at 55 Lake Blvd., Redding, California 96003 to the attention of the agent for service of process Zachary Crenshaw. Doc. #6. On July 22, 2026, Plaintiff filed a request for entry of default as to Defendant. Doc. #7. On July 31, 2026, the United States Bankruptcy Court Clerk entered the default of Defendant. Doc. #11. Trustee has incurred more than $11,000.00 in attorney fees seeking to procure Defendant's compliance with the automatic stay by way of this adversary proceeding. Decl. of Ethan J. Birnberg ¶ 6, Doc. #20.

On August 27, 2026, Defendant filed a written response to this motion asserting that Defendant only became aware of this adversary proceeding on August 24, 2026. Doc. #25; Decl. of Samuel Mosier, Doc. #26. Specifically, Defendant states that Defendant is a Washington-based company with an office that is currently under construction in California. Mosier Decl., Doc. #26. While the 55 Lake Blvd., Redding, California 96003 address is the address for Defendant listed with the California Secretary of State, this address has been under construction for the past two years and is still under construction. Id. During these two years, the person authorized to receive service for Defendant relocated to Texas and, because of this relocation, all mail was thought to have been routed to Defendant's Washington location, which address is 5050 20th Street East, Fife, Washington 98424-1917, the same address listed on Claim 6. Id. In addition, the 55 Lake Blvd., Redding, California 96003 address is no longer accurate. Id. The current address for the same location is 250 Northpoint Drive, which is the correct address at the time the Complaint was served by Plaintiff. Id. Due to oversight and the expectation that all mail would go to Defendant's address in Washington, the information with the California Secretary of State was not updated. Id.

Defendant first became aware of this Complaint around August 24, 2026, when someone at the Redding, California address opened the default mailing. Mosier Decl., Doc. #26. Upon receiving the paperwork related to this adversary proceeding, Defendant reached out to counsel and started to work on the matter. Id. Defendant believes it will take two weeks for Defendant to assemble the relevant records to demonstrate that the claims alleged in the Complaint are not accurate. Id. Defendant asserts it was never contacted by Trustee in an attempt to resolve this matter prior to Trustee filing the Complaint. Id.

Defendant specifically opposes the Complaint on the grounds that Defendant believes Plaintiff is not entitled to any refund from the IRS/FTB and Defendant can provide a meritorious defense to all claims. Doc. #25. Defendant asks the court to deny this motion so that Defendant can file an answer in this matter. Id.

APPLICABLE LAW

Federal Rule of Civil Procedure 55, made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7055, "gives the court considerable leeway as to what it may require as a prerequisite to the entry of a default judgment." Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). "The general rule of law is that upon default the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true." Geddes v. United Fin. Grp., 559 F.2d 557, 560 (9th Cir. 1977). Factors that may be considered by the court in exercising discretion as to the entry of a default judgment include: (1) the possibility of prejudice to the plaintiff; (2) the merits of the plaintiff's substantive claim; (3) the sufficiency of the complaint; (4) the sum of money at stake in the action; (5) the possibility of a dispute concerning material facts; (6) whether the default was due to excusable neglect; and (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits. Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

LEGAL ANALYSIS

On August 27, 2026, Defendant filed a response to the motion asserting that Defendant only learned of the adversary proceeding on August 24, 2026. Doc. #25; Mosier Decl., Doc. #26. "[J]udgment by default is a drastic step appropriate only in extreme circumstances; a case should, whenever possible, be decided on the merits." United States v. Signed Personal Check No. 730, 615 F.3d 1085, 1091 (9th Cir. 2010) (citations omitted).

The court finds that Defendant has asserted grounds upon which, if there was a proper motion, the court might set aside Defendant's entry of default. Franchise Holding II, LLC v. Huntington Rests. Group, Inc., 375 F.3d 922, 925-26 (9th Cir. 2004). However, the court will not set aside the default without either the stipulation of Plaintiff or a properly noticed motion filed and served by Defendant.

Accordingly, the court will continue the hearing on the motion for entry of default judgment until October 22, 2026 at 11:00 a.m. to permit Defendant a short opportunity to set aside the entry of default.

CONCLUSION

For the foregoing reasons, the motion is continued to October 22, 2026 at 11:00 a.m.

5. 24-12679-A-7 **IN RE: MOHAMAD/NEDAA SULIEMAN**
   26-1020 ADJ-1

   MOTION FOR ENTRY OF DEFAULT JUDGMENT
   7-17-2026 [21]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

This motion was 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 defendant 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 default of the defendant to this motion is entered. The matter will proceed as scheduled.

Irma C. Edmonds ("Plaintiff"), chapter 7 trustee of the bankruptcy estate of Mohamad Fayez Sulieman and Nedaa Sabla Sulieman (together, "Debtors"), commenced this adversary proceeding by filing a complaint on May 11, 2026 ("Complaint"). Doc. #1. By the Complaint, Plaintiff seeks to avoid preference payments made by Debtors to Beckham Capital LLC ("Defendant") pursuant to 11 U.S.C. § 547 and recovery of the same pursuant to 11 U.S.C. § 550. Doc. #1.

RELEVANT FACTS

The facts of the Complaint are as follows. Debtors filed a voluntary chapter 7 bankruptcy petition on September 14, 2024. Case No. 24-12679, Doc. #1. Within 90 days of the petition date, Debtors made payments in the amount of at least $85,164.00 to Defendant (collectively, the "Transfers"). Compl. ¶ 7, Doc. #1.

Plaintiff asserts that the Transfers from Debtors to Defendant were made while Debtors were insolvent and alleges the Transfers enabled Defendant to receive more than if the Transfers had not been made and Defendant was to receive payment of the debt Debtors owe to Defendant pursuant to the provisions of the Bankruptcy Code. Compl. ¶ 12-13, Doc. #1. To the extent the Transfers from Debtors to Defendant are avoided under 11 U.S.C. § 547, Plaintiff requests recovery of the property transferred or the value of the property transferred. Id. at ¶ 16.

Defendant failed to respond to the Complaint. On June 16, 2026, Plaintiff filed a request for entry of default as to Defendant. Doc. #12. On June 18, 2026, the United States Bankruptcy Court Clerk entered the default of Defendant. Doc. #13.

Plaintiff moves for entry of default judgment against Defendant: (1) voiding the payments made from Debtors to Defendant in the amount of $12,831.00; and (2) recovering the payments made by Debtors to Defendant in the amount of $12,831.00, together with post-judgment interest at the legal rate. Doc. #21. Defendant has not responded to the motion.

APPLICABLE LAW

Federal Rule of Civil Procedure 55, made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7055, "gives the court considerable leeway as to what it may require as a prerequisite to the entry of a default judgment." Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). "The general rule of law is that upon default the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true." Geddes v. United Fin. Grp., 559 F.2d 557, 560 (9th Cir. 1977). Factors which may be considered by the court in exercising discretion as to the entry of default judgment include: (1) the possibility of prejudice to the plaintiff; (2) the merits of the plaintiff's substantive claim; (3) the sufficiency of the complaint; (4) the sum of money at stake in the action; (5) the possibility of a dispute concerning material facts; (6) whether the default was due to excusable neglect; and (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits. Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

The elements of a preference are: (i) a transfer, (ii) of the debtor's property; (iii) to or for a creditor's benefit; (iv) on account of an antecedent debt; (v) within 90 days prior to the filing of the petition (or within a year if the transferee is an insider); (vi) made which the debtor was insolvent; (vii) that prefers the creditor receiving the transfer. 11 U.S.C. § 547(b). Pursuant to 11 U.S.C. § 547(b), a trustee may avoid any transfer of an interest of the debtor in property "based on reasonable due diligence in the circumstances of the case and taking into account a party's known or reasonably knowable affirmative defenses under subsection (c)[.]" Id.

LEGAL ANALYSIS

By the Small Business Reorganization Act of 2019, Congress added language to 11 U.S.C. § 547(b) requiring the trustee to "satisfy a condition precedent, i.e., reasonable due diligence and consideration of known or knowable affirmative defenses." Husted v. Taggart (In re ECS Ref., Inc.), 625 B.R. 425, 453 (Bankr. E.D. Cal. 2020) (Clement, J.) (citation omitted). This court agrees with Judge Clement in ECS Refining that "this condition precedent, i.e., due diligence and consideration of affirmative defenses, is an element of the trustee's prima facie case." Id. at 454. Here, Plaintiff has made no allegations in the Complaint nor addressed this condition precedent in her motion for default judgment. Accordingly, the court finds that Plaintiff has not met this element of her prima facie case, and the motion for default judgment is denied.

As a further matter, the Complaint seeks to avoid payments in the aggregate amount of at least $85,164.00 that Debtors made to Defendant but the motion only seeks judgment in the amount of $12,831.00. There is no explanation in the motion for default judgment as to why Plaintiff is seeking entry in an amount significantly less than the amount pled in the Complaint. In any subsequently filed motion, Plaintiff should address this issue.

CONCLUSION

For the foregoing reasons, the motion is DENIED.

6. 19-15081-A-13 **IN RE: CHRISTOPHER/KERRI TYSON**
25-1023 CAE-1

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
2-3-2026 [39]

TYSON ET AL V. AMERICAN EDUCATION SERVICES ET AL
SCOTT LYONS/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

7. 26-10699-A-7 **IN RE: ORLANDO/KARINA RODRIGUEZ**
26-1027 CAE-1

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-15-2026 [1]

RODRIGUEZ V. UNITED STATES DEPARTMENT OF EDUCATION
DISMISSED 8/18/26

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on August 18, 2026. Doc. #15.

8. 26-10699-A-7 **IN RE: ORLANDO/KARINA RODRIGUEZ**
26-1027 CAE-1

ORDER TO SHOW CAUSE REGARDING DISMISSAL OF ADVERSARY PROCEEDING FOR FAILURE TO PROSECUTE
7-30-2026 [10]

RODRIGUEZ V. UNITED STATES DEPARTMENT OF EDUCATION
DISMISSED 8/18/26

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on August 18, 2026. Doc. #15.

9. 24-12679-A-7 **IN RE: MOHAMAD/NEDAA SULIEMAN**
26-1020 CAE-1

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

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

NO RULING.