



UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable Jennifer E. Niemann  
Hearing Date: Thursday, September 4, 2025  
Department A – 510 19<sup>th</sup> street  
Bakersfield, California

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***At this time, when in-person hearings in Bakersfield will resume is to be determined. No persons are permitted to appear in court for the time being. All appearances of parties and attorneys shall be as instructed below.***

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

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

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

Please also note the following:

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

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

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

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

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

## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

**Final Ruling:** Unless otherwise ordered, there will be 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.

9:00 AM

1. [25-12021](#)-A-13     **IN RE: RYAN METCALF AND KIMBERLY GATTIS**  
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK  
7-30-2025    [\[15\]](#)

ALLY BANK/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION:     Continued to October 9, 2025 at 9:00 a.m.

ORDER:             The court will issue an order.

Ryan Metcalf and Kimberly Gattis ("Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on July 30, 2025. Doc. ##1, 3. Ally Bank ("Creditor") objects to confirmation of the Plan because the Plan proposes to pay 8.50% interest on Creditor's claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #15.

This objection will be continued to October 9, 2025 at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than September 25, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Creditor shall file and serve a reply, if any, by October 2, 2025.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 2, 2025. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

2. [25-12021](#)-A-13     **IN RE: RYAN METCALF AND KIMBERLY GATTIS**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
7-30-2025    [\[12\]](#)

ROBERT WILLIAMS/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 12, 2025. Doc. #19.

3. [25-12022](#)-A-13     **IN RE: DORA LEON**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
7-30-2025    [\[14\]](#)

NEIL SCHWARTZ/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 21, 2025.  
Doc. #20.

4. [25-11923](#)-A-13     **IN RE: IRIS MURILLO**  
[RSW-2](#)

MOTION TO CONFIRM PLAN  
7-23-2025    [\[20\]](#)

IRIS MURILLO/MV  
ROBERT WILLIAMS/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. #25; Opp'n Withdrawal, Doc. #30. The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

5. [25-12025](#)-A-13     **IN RE: MARY LEE**  
[DWE-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY WBL SPO I, LLC  
8-1-2025     [\[28\]](#)

WBL SPO I, LLC/MV  
ONYINYE ANYAMA/ATTY. FOR DBT.  
DANE EXNOWSKI/ATTY. FOR MV.

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

DISPOSITION:     Continued to October 9, 2025 at 9:00 a.m.

ORDER:     The court will issue an order.

Mary Louise Lee ("Debtor") filed a voluntary petition under chapter 13 on June 17, 2025 as well as a chapter 13 plan ("Plan") on July 1, 2025. Doc. ##1, 12. WBL SPO I, LLC ("Creditor") objects to confirmation of the Plan because: (1) the Plan proposes to pay 0.00% interest on Creditor's claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004); and (2) Creditor is unclear whether Debtor has an interest in the property secured by Creditor's loan. Doc. #28.

This objection will be continued to October 9, 2025 at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than September 25, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Creditor shall file and serve a reply, if any, by October 2, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 2, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

6. [25-12025](#)-A-13     **IN RE: MARY LEE**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
8-1-2025     [\[25\]](#)

LILIAN TSANG/MV  
ONYINYE ANYAMA/ATTY. FOR DBT.

NO RULING.

7. [25-12025](#)-A-13     **IN RE: MARY LEE**  
[SKI-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TD BANK, N.A.  
7-31-2025    [\[21\]](#)

TD BANK, N.A./MV  
ONYINYE ANYAMA/ATTY. FOR DBT.  
SHERYL ITH/ATTY. FOR MV.

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

DISPOSITION:     Continued to October 9, 2025 at 9:00 a.m.

ORDER:             The court will issue an order.

Mary Louise Lee ("Debtor") filed a voluntary petition under chapter 13 on June 17, 2025 as well as a chapter 13 plan ("Plan") on July 1, 2025. Doc. ##1, 12. TD Bank, N.A., Successor in Interest to TD Auto Finance LLC ("Creditor") objects to confirmation of the Plan because: (1) the Plan proposes to pay 0.00% interest on Creditor's claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004); (2) the Plan incorrectly lists the post-petition monthly payment amount; and (3) there is no proof provided to show the Plan is feasible. Doc. #21.

This objection will be continued to October 9, 2025 at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than September 25, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Creditor shall file and serve a reply, if any, by October 2, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 2, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

8. [24-11626](#)-A-13     **IN RE: MANDIP GREWAL**  
[RSW-5](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH  
NAUTILUS INSURANCE COMPANY, SELECTIVE INSURANCE COMPANY, AND THE  
FOUR WINDS SOCIETY, INC.  
8-21-2025    [\[120\]](#)

MANDIP GREWAL/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION:     Denied without prejudice.

ORDER:             The court will issue an order.

Local Rule of Practice ("LBR") 9014-1(f)(2) allows a moving party to file and serve a motion on at least 14 days' notice "unless additional notice is required by the Federal Rules of Bankruptcy Procedure."

For a motion to approve the compromise of a controversy, the Federal Rules of Bankruptcy Procedure require additional notice. Federal Rule of Bankruptcy Procedure ("Rule") 2002(a) requires at least 21 days' notice by mail of "the hearing on approval of the compromise or settlement of a controversy other than approval of an agreement pursuant to Rule 4001(d), unless the court for cause shown directs that notice not be sent." Rule 2002(a)(3).

Notice by mail of this motion was sent August 21, 2025, with a hearing date set for September 4, 2025. Because this motion to approve the compromise of a controversy was set for hearing on less than 21 days' notice and the court has not, for cause shown, directed that notice not be sent, this motion is DENIED WITHOUT PREJUDICE for improper notice under Rule 2002.

9. [25-10737](#)-A-13      **IN RE: HENRY CALDERON**  
[LGT-1](#)

MOTION TO DISMISS CASE  
7-14-2025    [\[29\]](#)

LILIAN TSANG/MV  
RAJ WADHWANI/ATTY. FOR DBT.

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

DISPOSITION:      Granted.

ORDER:              The court will issue an order.

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

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

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #29. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) file a modified plan with notice to creditors; (2) set a modified plan for hearing with notice to creditors; and (3) make payments due under the plan. As of July 14, 2025, payments are delinquent in the amount of \$7,474.00. While this motion is pending, further payments will come due. In addition to the delinquency amount,

the debtor also must make the monthly plan payment of \$3,737.00 for July 25, 2025, and the plan payment of \$3,737.00 for August 25, 2025. Doc. #29. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to file a modified plan and set a modified plan for hearing with notice to creditors. Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

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

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

10. [25-10352](#)-A-13     **IN RE: MARI RUB-FERRELL**

CONTINUED MOTION TO VACATE DISMISSAL OF CASE  
7-16-2025    [[55](#)]

MARI RUB-FERRELL/MV  
MARI RUB-FERRELL/ATTY. FOR MV.  
DISMISSED 06/04/2025

NO RULING.

11. [25-11462](#)-A-13     **IN RE: MAREBEL RANGEL**  
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
6-10-2025    [[17](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.

NO RULING.



12. [25-11864](#)-A-13     **IN RE: BEATRICE ZAPATA**  
[LGT-1](#)

MOTION TO DISMISS CASE  
8-1-2025    [\[21\]](#)

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

NO RULING.

13. [25-12164](#)-A-13     **IN RE: KEITH LEON**  
[DWE-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY QUORUM FEDERAL CREDIT UNION  
8-15-2025    [\[17\]](#)

QUORUM FEDERAL CREDIT UNION/MV  
STEVEN ALPERT/ATTY. FOR DBT.  
DANE EXNOWSKI/ATTY. FOR MV.

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 to confirmation 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 because the debtor has placed the objecting creditor in two separate classes and an amended plan will be required. Moreover, in response to the objection to confirmation filed by the chapter 13 trustee, the debtor filed a response stating that the debtor will be filing a modified plan and no longer seeks confirmation of his original plan. Doc. #20. 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.

Keith Scott Leon ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on June 27, 2025. Doc. #1, 3. Quorum Federal Credit Union ("Creditor") objects to confirmation of the Plan because (1) the Plan lists Creditor's claim in Class 1 and Class 2, and (2) the Plan proposes to pay 0.00% interest on Creditor's claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #17.

The Plan places Creditor in Class 1 to cure and maintain the claim and in Class 2A to be paid 0% interest. First, Creditor's claim cannot be in both Class 1 and Class 2. Additionally, if Creditor is placed in Class 1 only, Creditor's claim is not a short-term debt and the claim's treatment would be considered an impermissible modification. If Creditor is placed in Class 2, the Plan proposes to pay 0.00% interest on Creditor's claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #17. Because a new Plan will need to be filed to place Creditor in one class and the debtor has

indicated that a modified plan will be filed, Creditor's objection will be sustained.

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

14. [25-12164](#)-A-13     **IN RE: KEITH LEON**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
8-13-2025    [[14](#)]

LILIAN TSANG/MV  
STEVEN ALPERT/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 to confirmation was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and will proceed as scheduled. Although not required, the debtor filed a written response. Doc. #20. The court intends to sustain the objection because the debtor consents to the trustee's objection to confirmation of the pending plan being sustained.

Keith Scott Leon ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on June 27, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Trustee cannot determine whether the Plan satisfies the best interest of creditors test until Debtor provides Trustee with the nonretirement brokerage account statement showing the balance of the account, the loan balance, and the maturity of the loan as well as a declaration from Debtor as to how the funds were expended; (2) the Plan misclassifies the claim of Quorum Federal Credit Union; and (3) Debtor has failed to provide copies of payment advices for Debtor's non-filing spouse. Doc. #14.

In Debtor's response, Debtor states that a modified plan will be filed and served, and Debtor no longer seeks confirmation of the Plan. Doc. #20. Therefore, Debtor consents to the court sustaining Trustee's objection. Id.

Accordingly, the objection will be SUSTAINED.

MOTION TO DISMISS CASE  
7-21-2025    [\[32\]](#)

LILIAN TSANG/MV

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

DISPOSITION:     Granted.

ORDER:             The court will issue the order.

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

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

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #32. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) provide Trustee with required documents; (2) provide complete documents to Trustee; and (3) file Schedule I and Official Form 122C-1. Finally, the debtor is ineligible to be a debtor in a chapter 13 pursuant to 11 U.S.C. § 109(h) because the debtor did not complete credit counseling within the time period allowed. Doc. #32. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors and under 11 U.S.C. § 109(h) for failing to timely complete credit counseling.

Under 11 U.S.C. § 109(h), an individual may not be a debtor unless the debtor received credit counseling within the 180-day period ending on the petition date. 11 U.S.C. § 109(h)(1). Dinorah Lizbeth Cordova ("Debtor") filed for relief under chapter 13 of the Bankruptcy Code on June 3, 2025. Doc. #1. Debtor is representing herself in this bankruptcy case. Id.

On August 5, 2025, a Certificate of Counseling was filed indicating that Debtor received credit counseling on August 4, 2025, offered by an approved provider pursuant to 11 U.S.C. § 111. Doc. #46. The certificate shows that Debtor  
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received her credit counseling after, not before, Debtor filed her bankruptcy petition.

The Bankruptcy Code allows the debtor to request a waiver of the § 109(h) (1) requirement to receive credit counseling pre-petition based on exigent circumstances. 11 U.S.C. § 109(h) (3) (A). However, Debtor has not requested a waiver of the § 109(h) (1) requirements. Even if Debtor had made a timely request to complete her credit counseling post-petition, any post-petition credit counseling must be completed within 45 days of the bankruptcy petition being filed. 11 U.S.C. § 109(h) (3) (B). Here, 45 days after Debtor's bankruptcy petition was filed was July 18, 2025, and Debtor did not complete her credit counseling until August 4, 2025. Debtor may not be a debtor pursuant to § 109(h) because Debtor did not receive credit counseling prior to filing her bankruptcy petition, has not received a waiver of that requirement, and did not receive her post-petition credit counseling within 45 days after filing her bankruptcy petition.

Accordingly, this motion will be GRANTED. Because Debtor may not be a debtor pursuant to 11 U.S.C. § 109(h), the case will be dismissed.

16. [25-12272](#)-A-13     **IN RE: SHELLY BLACK**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG  
8-18-2025    [\[12\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION:     Continued to October 9, 2025 at 9:00 a.m.

ORDER:             The court will issue an order.

Shelly Renae Black ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on July 6, 2025. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) new pay advices have been requested by Trustee to reflect Debtor's new income; and (2) an amended Schedule J, and possibly an amended Schedule I, needs to be filed for Trustee to determine Plan feasibility. Doc. #12.

This objection will be continued to October 9, 2025. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than September 25, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtor's position. Trustee shall file and serve a reply, if any, by October 2, 2025.

If Debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 2, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

17. [25-11985](#)-A-13     **IN RE: CHRISTOPHER WEATHERFORD**  
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG  
7-31-2025    [\[19\]](#)

LILIAN TSANG/MV  
RAJ WADHWANI/ATTY. FOR DBT.

NO RULING.

18. [25-11993](#)-A-13     **IN RE: TY MORRELL AND LIEZEL ILARDE**  
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY FORD MOTOR CREDIT COMPANY LLC  
7-25-2025    [\[13\]](#)

FORD MOTOR CREDIT COMPANY LLC/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION:     Continued to October 9, 2025 at 9:00 a.m.

ORDER:             The court will issue an order.

Ty Anthoney Morrell and Liezel Sumbingco Ilarde ("Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on June 15, 2025. Doc. ##1, 3. Ford Motor Credit Company, LLC ("Creditor") objects to confirmation of the Plan because the Plan proposes to pay 5.90% interest on Creditor's claim, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #13.

This objection will be continued to October 9, 2025 at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than September 25, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Creditor shall file and serve a reply, if any, by October 2, 2025.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than October 2, 2025. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Creditor's objection without a further hearing.

1. [25-10203](#)-A-7     **IN RE: BRANDON CESENAS**  
[RSW-2](#)

MOTION TO AVOID LIEN OF CITIBANK, N.A.  
7-16-2025    [\[20\]](#)

BRANDON CESENAS/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

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

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

Brandon Ray Cesenas ("Debtor"), the debtor in this chapter 7 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Citibank, N.A. ("Creditor") on the residential real property commonly referred to as 816 Bora Bora Lane, Bakersfield, California 93307 (the "Property"). Doc. #20; Schedule C, Doc. #1; Schedule D, Doc. #1.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88

(B.A.P. 9th Cir. 2007). “[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached.” Id.

Debtor filed his bankruptcy petition on January 25, 2025. Doc. #1. A judgment was entered against Debtor in the amount of \$4,365.24 in favor of Creditor on December 27, 2021. Ex. 4, Doc. #23. The abstract of judgment was recorded pre-petition in Kern County on January 26, 2023, as document number 223009995. Ex. 4, Doc. #23. The lien attached to Debtor’s interest in the Property located in Kern County. Doc. #20. The Property also is encumbered by a deed of trust in favor of Freedom Mortgage Corporation in the amount \$207,009.00. Schedule D, Doc. #1. Debtor claimed an exemption of \$360,550.00 in the Property under California Code of Civil Procedure § 704.730. Schedule C, Doc. #1. Debtor asserts a market value for the Property as of the petition date at \$427,400.00. Schedule A/B, Doc. #1. Debtor has also set for hearing a motion to avoid a junior lien on the Property that is being denied without prejudice (see calendar matter #2 below).

Applying the statutory formula:

Amount of Creditor’s judicial lien		\$4,365.24
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$207,009.00
Amount of Debtor’s claim of exemption in the Property	+	\$360,550.00
		\$571,924.24
Value of Debtor’s interest in the Property absent liens	-	\$427,400.00
Amount Creditor’s lien impairs Debtor’s exemption		\$144,524.24

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor’s judicial lien. Therefore, the fixing of this judicial lien impairs Debtor’s exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor’s judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

2. [25-10203](#)-A-7     **IN RE: BRANDON CESENAS**  
[RSW-3](#)

MOTION TO AVOID LIEN OF GALAXY INTERNATIONAL PURCHASING, LLC  
7-16-2025    [[25](#)]

BRANDON CESENAS/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION:        Denied without prejudice.

ORDER:                The court will issue an order.

Federal Rule of Bankruptcy Procedure (“Rule”) 9014(b) requires a motion to avoid a lien under 11 U.S.C. § 522(f) be served “in the manner provided for service of a summons and complaint by Rule 7004.” Service of the motion on Galaxy International Purchasing, LLC. (“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 does not show that Creditor was served to the attention of anyone. See Doc. #29. To the extent the movant believes service of this motion in care of the attorney who represented Creditor in the underlying state court litigation complies with Rule 7004(b), such is not the case. A review of the docket shows no attorney has appeared for Creditor in this bankruptcy case. Thus, Creditor itself must be served to comply with Rule 7004(b)(3).

As further procedural matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #29. However, Rule 9014 requires service of a motion to avoid lien be made pursuant to Rule 7004. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

3. [18-14417](#)-A-7     **IN RE: VICTOR RODRIGUEZ AND DENISE AVILA**  
[TCS-1](#)

MOTION TO AVOID LIEN OF MIDLAND FUNDING, LLC  
8-4-2025    [\[36\]](#)

VICTOR RODRIGUEZ/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

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

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

Victor Rodriguez and Denise Avila (together, "Debtors"), the debtors in this chapter 7 case, move pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Midland Funding, LLC ("Creditor") on the residential real property commonly referred to as 4385 N. Feland Ave, Fresno, California 93722 (the "Property"). Doc. #36; Am. Schedule C, Doc. #35; Am. Schedule D, Doc. #35.



In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtors filed their bankruptcy petition on October 30, 2018. Doc. #1. A judgment was entered against debtor Victor Rodriguez in the amount of \$3,672.74 in favor of Creditor on March 28, 2018. Ex. B, Doc. #38. The abstract of judgment was recorded pre-petition in Fresno County on June 12, 2018, as document number 2018-0069017. Ex. B, Doc. #38. The lien attached to Debtors' interest in the Property located in Fresno County. Id. The Property also is encumbered by a lien in favor of Chase in the amount \$143,023.00. Am. Schedule D, Doc. #35. Debtors claimed an exemption of \$100,000.00 in the Property under California Code of Civil Procedure § 704.730. Am. Schedule C, Doc. #35. Debtors assert a market value for the Property as of the petition date at \$225,000.00. Schedule A/B, Doc. #1. There appears to be one senior judicial lien on the Property. The senior judicial lien was recorded in Fresno County on June 8, 2018 with respect to a lien held by Portfolio Recovery Associates, LLC entered on March 14, 2018 in the amount of \$1,968.83. Am. Schedule D, Doc. #35; Ex. B, Doc. #43.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$3,672.74
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$144,991.83
Amount of Debtors' claim of exemption in the Property	+	\$100,000.00
		\$248,664.57
Value of Debtors' interest in the Property absent liens	-	\$225,000.00
Amount Creditor's lien impairs Debtors' exemption		\$23,664.57

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtors' exemption in the Property and its fixing will be avoided.

Debtors have established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

MOTION TO AVOID LIEN OF PORTFOLIO RECOVERY ASSOCIATES, LLC  
8-4-2025    [\[41\]](#)

VICTOR RODRIGUEZ/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:      Granted.

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

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

Victor Rodriguez and Denise Avila (together, "Debtors"), the debtors in this chapter 7 case, move pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Portfolio Recovery Associates, LLC ("Creditor") on the residential real property commonly referred to as 4385 N. Feland Ave, Fresno, California 93722 (the "Property"). Doc. #41; Am. Schedule C, Doc. #35; Am. Schedule D, Doc. #35.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Where the movant seeks to avoid multiple liens as impairing the debtor's exemption, the liens must be avoided in the reverse order of their priority. Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger), 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997). Liens already avoided are excluded from the exemption-impairment calculation with respect to other liens. Id.; 11 U.S.C. § 522(f)(2)(B). The court "must approach lien avoidance from the back of the line, or at least some point far enough back in line that there is no nonexempt equity in sight." All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 88 (B.A.P. 9th Cir. 2007). "[J]udicial liens are avoided in reverse order until the marginal lien, i.e., the junior lien supported in part by equity, is reached." Id.

Debtors filed their bankruptcy petition on October 30, 2018. Doc. #1. A judgment was entered against debtor Victor Rodriguez in the amount of \$1,968.83 in favor of Creditor on March 14, 2018. Ex. B, Doc. #43. The abstract of judgment was recorded pre-petition in Fresno County on June 8, 2018, as document number 2018-0067654. Ex. B, Doc. #43. The lien attached to Debtors' interest in the Property located in Fresno County. Id. The Property also is encumbered by a lien in favor of Chase Mtg in the amount \$143,023.00. Am. Schedule D, Doc. #35. Debtors claimed an exemption of \$100,000.00 in the Property under California Code of Civil Procedure § 704.730. Am. Schedule C, Doc. #35. Debtors assert a market value for the Property as of the petition date at \$225,000.00. Schedule A/B, Doc. #1. Debtors have also set for hearing a motion to avoid a junior lien on the Property that is being granted (see calendar matter #3 above).

Applying the statutory formula:

Amount of Creditor's judicial lien		\$1,968.83
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$143,023.00
Amount of Debtors' claim of exemption in the Property	+	\$100,000.00
		\$244,991.83
Value of Debtors' interest in the Property absent liens	-	\$225,000.00
Amount Creditor's lien impairs Debtors' exemption		\$19,991.83

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtors' exemption in the Property and its fixing will be avoided.

Debtors have established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

5. [25-12347](#)-A-7 **IN RE: MAGALY MEZA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
7-29-2025 [[13](#)]

RAJ WADHWANI/ATTY. FOR DBT.  
\$338.00 FILING FEE PAID 7/30/25

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the filing fees now due have been paid. The case shall remain pending.

MOTION TO SELL  
8-13-2025    [\[17\]](#)

JEFFREY VETTER/MV  
D. GARDNER/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted subject to higher and better offers.

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

This motion was filed and served on at least 21 days' notice prior to the hearing date pursuant to Federal Rule of Bankruptcy Procedure 2002 and 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 subject to higher and better offers. 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.

Jeffrey Vetter ("Trustee"), the chapter 7 trustee of the bankruptcy estate of Kern Surgery Center, LLC, moves the court for an order authorizing Trustee to sell the bankruptcy estate's interest in: (1) Genoray C-arm; (2) GE 9900 c0ARM; (3) Zeiss Microscope Optho; (4) Leica Microscope Optho; (5) OR table Skyton; (6) RF Machine; (7) Steris Autoclave; (8) four gurneys; (9) eye gurney; (10) two Bovie Machine4; (11) monitors passport 2x6; and (12) other miscellaneous medical equipment collectively valued at \$11,775.00 (together, the "Property") to Keith Richards ("Buyer") of Encompass MSO, LLC for the purchase price of \$70,000.00, subject to higher and better bids at the hearing. Doc. #17. The total scheduled value of the Property is approximately \$149,000.00. Id. Buyer proposes to use the Property in surgery centers Buyer currently manages and has agreed, upon court approval, to remove all of the Property within 10 days of a signed order and leave Debtor's premises "broom clean." Id.

Pursuant to 11 U.S.C. § 363(b)(1), the trustee, after notice and a hearing, may "use, sell, or lease, other than in the ordinary course of business, property of the estate." Proposed sales under § 363(b) are reviewed to determine whether they are: (1) in the best interests of the estate resulting from a fair and reasonable price; (2) supported by a valid business judgment; and (3) proposed in good faith. In re Alaska Fishing Adventure, LLC, 594 B.R. 883, 887 (Bankr. D. Alaska 2018) (citing 240 N. Brand Partners, Ltd. v. Colony GFP Partners, L.P. (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996)). "In the context of sales of estate property under § 363, a bankruptcy court 'should determine only whether the trustee's judgment [is] reasonable and whether a sound business justification exists supporting the sale and its terms.'" Alaska Fishing Adventure, 594 B.R. at 889 (quoting 3 COLLIER ON BANKRUPTCY ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.)). "[T]he trustee's business judgment is to be given great judicial deference." Id. at 889-90 (quoting In re Psychometric Sys., Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007)).

Trustee believes that approval of the sale on the terms set forth in the motion is in the best interests of creditors and the estate. Doc. #17; Decl. of Jeffrey Vetter, Doc. #19. Buyer offered to buy the estate's interest in the Property for the purchase price of \$70,000.00, subject to overbid at the hearing. Id. In addition, Buyer will remove the Property from Debtor's premises and leave the premises "broom clean." Id. Because the Property must be stored in a climate-controlled environment, moving the Property from Debtor's premises to be auctioned would diminish the value of the Property. Doc. #17; Vetter Decl., Doc. #19. Trustee believes that selling the Property to Buyer, who is currently involved in a similar and related industry, is beneficial to the estate and creditors. Vetter Decl., Doc. #19.

It appears that the sale of the Property is in the best interests of the estate, the Property will be sold for a fair and reasonable price, and the sale is supported by a valid business judgment and proposed in good faith.

Accordingly, subject to opposition being raised and overbid offers being made at the hearing, the court is inclined to GRANT Trustee's motion and authorize the sale of the Property to Buyer on the terms set forth in the motion.

7. [21-12182](#)-A-7     **IN RE: JERRY DAVID**  
[DMG-5](#)

MOTION TO AVOID LIEN OF BAKER DISTRIBUTING COMPANY LLC  
8-14-2025    [\[44\]](#)

JERRY DAVID/MV  
D. GARDNER/ATTY. FOR DBT.

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Granted if the Moving Party supplements the record prior to or at the hearing.

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

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

As a procedural matter, the date listed on the notice of hearing states the notice of hearing was signed on April 10, 2024, which the court believes is incorrect. Doc. #45. Unless an amended notice of hearing is filed prior to the hearing, counsel for the movant will need to confirm on the record the actual date when the notice of hearing was signed.

As a further procedural matter, the court does not consider service of the motion solely to the attention of the corporate entity's president without stating the name of the corporate entity to whom the motion is addressed to comply with Federal Rule of Bankruptcy Procedure ("Rule") 7004(b)(3). The certificate of service filed in connection with this motion shows that the motion and supporting papers were served to the attention of the President of

the judicial lienholder but did not include the name of the corporate entity being served. See Doc. #48. Specifically, the pleadings were served as follows:

President  
Matthew Roth  
2665 S. Bayshore Dr. #901  
Coconut Grove FL 33133

Mr. Roth could be the president of several corporate entities. In the future, to comply with Rule 7004(b)(3), service should be made in the name of the corporate entity followed on the next line to the attention of the officer, managing or general agent, or authorized agent of the corporate entity on which the motion is being served. For example, in this case, service should have been made as follows:

Baker Distributing Company LLC  
Attn: Matthew Roth, President  
2665 S. Bayshore Dr. #901  
Coconut Grove FL 33133

Because the debtor also served Baker Distributing Company LLC in care of its registered agent with its corporate name on the first address line, the court finds service of the motion complies with Rule 7004.

As a further procedural matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #48. However, because service was made pursuant to Rule 7004, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

Jerry Wayne David ("Debtor"), the debtor in this chapter 7 case, moves pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Baker Distributing Company, LLC ("Creditor") on the residential real property commonly referred to as 10329 Golf Link Road, Turlock, California 95380 (the "Property"). Doc. #44; Schedule C, Doc. #1; Schedule D, Doc. #1.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Debtor filed this bankruptcy petition on September 13, 2021. Doc. #1. A judgment was entered against Debtor in the amount of \$15,763.98<sup>1</sup> in favor of Creditor on February 28, 2020. Ex. A, Doc. #47. The abstract of judgment was recorded pre-petition in Merced County on February 25, 2021, as document number 2021008743. Id. The lien attached to Debtor's interest in the Property located in Merced County. Id.; Ex. F, Doc. #47. The Property also is encumbered by a mortgage in favor of Envoy Mortgage in the amount \$235,000.00. Schedule D, Doc. #1. Debtor claimed an exemption of \$472,646.34 in the Property under

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<sup>1</sup> While the motion states the amount of Creditor's judgment lien is \$15,753.38, the exhibits show the amount of Creditor's judgment lien is \$15,763.98. Doc. #44; Ex. A, Doc. #47. The court used the amount listed in the exhibits to calculate the statutory formula.

California Code of Civil Procedure § 704.730. Schedule C, Doc. #1. Debtor asserts a market value for the Property as of the petition date at \$490,000.00. Schedule A/B, Doc. #1.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$15,763.98
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$235,000.00
Amount of Debtor's claim of exemption in the Property	+	\$472,646.34
		\$723,410.32
Value of Debtor's interest in the Property absent liens	-	\$490,000.00
Amount Creditor's lien impairs Debtor's exemption		\$233,410.32

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtor's exemption in the Property and its fixing will be avoided.

Debtor has established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, pending opposition being raised at the hearing and subject to the moving party properly supplementing the record, this motion will be GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

8. [19-12835](#)-A-7 **IN RE: RANDY GOODISON AND CARLA ANDRE**  
[RSW-1](#)

CONTINUED MOTION TO AVOID LIEN OF OREILLY AUTOMOTIVE STORES, INC.  
8-13-2025 [\[26\]](#)

CARLA ANDRE/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

NO RULING.

1. [25-10074](#)-A-12     **IN RE: CAPITAL FARMS, INC**  
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION  
1-10-2025    [[1](#)]

PETER FEAR/ATTY. FOR DBT.

NO RULING.

2. [25-10074](#)-A-12     **IN RE: CAPITAL FARMS, INC**  
[FW-17](#)

MOTION TO CONFIRM CHAPTER 12 PLAN  
7-31-2025    [[251](#)]

CAPITAL FARMS, INC./MV  
PETER FEAR/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

3. [25-10074](#)-A-12     **IN RE: CAPITAL FARMS, INC**  
[FW-18](#)

MOTION TO VALUE COLLATERAL OF WILBUR-ELLIS COMPANY, LLC AND/OR  
MOTION TO VALUE COLLATERAL OF TECH AG FINANCIAL GROUP, INC.  
8-7-2025    [[263](#)]

CAPITAL FARMS, INC./MV  
PETER FEAR/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.



11:00 AM

1. [22-10825](#)-A-7     **IN RE: JAMIE/MARIA GARCIA**  
[22-1018](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
8-19-2022     [[1](#)]

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL  
VIVIANO AGUILAR/ATTY. FOR PL.  
RESPONSIVE PLEADING

NO RULING.

2. [11-18268](#)-A-7     **IN RE: GREGORY/ELIZABETH PETRINI**  
[23-1045](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
11-2-2023     [[1](#)]

PETRINI ET AL V. MB DUNCAN, INC.  
D. GARDNER/ATTY. FOR PL.  
RESPONSIVE PLEADING

TENTATIVE RULING:             This matter will proceed as scheduled.

DISPOSITION:                     Continue to November 6, 2025 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.

Pursuant to status report filed by the plaintiffs on August 28, 2025  
(Doc. #88), the court intends to continue this status conference to November 6,  
2025 at 11:00 a.m. The court will require the parties to file either joint or  
unilateral status report(s) not later than October 30, 2025.