



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: SEPTEMBER 9, 2024
CALENDAR: 1:00 P.M. DISGORGEMENT CALENDAR

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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/RemoteAppearances>.

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 the 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:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

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

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [24-23400](#)-A-7 **IN RE: HAROLD SANCHEZ**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-8-2024 [\[16\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 19

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed.
Disclosure of Compensation, ECF No. 19. The order to show cause is
dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of
Compensation with the petition. This is required by LBR 2016, which
states: "(a) The attorney for the debtor in a chapter 7 or chapter
13 case must file the Disclosure of Compensation of Attorney for
Debtor, Form B2030, with the petition, rather than 14 days
thereafter, or when the attorney substitutes in as attorney for the
debtor in such case. Fed. R. Bankr. P. 2016(b)." The court notes
that attorney Benavides regularly files the Disclosure of
Compensation in an untimely fashion requiring extra work from the
Clerks' office and from chambers. For example, over the last five
regular hearing dates for the disgorgement calendar, i.e., July 15,
July 29, August 12, August 26, and September 9, 27 of the 47 matters
heard are cases that arose from Mr. Benavides' failure to file
timely Disclosure of Compensation. Future violations may result in
the imposition of sanctions against attorney Benavides.

2. [24-23401](#)-A-7 **IN RE: TANIKA HARDEMAN**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-8-2024 [\[16\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 18

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed.
Disclosure of Compensation, ECF No. 18. The order to show cause is
dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of
Compensation with the petition. This is required by LBR 2016, which
states: "(a) The attorney for the debtor in a chapter 7 or chapter
13 case must file the Disclosure of Compensation of Attorney for
Debtor, Form B2030, with the petition, rather than 14 days

thereafter, or when the attorney substitutes in as attorney for the debtor in such case. Fed. R. Bankr. P. 2016(b).” The court notes that attorney Benavides regularly files the Disclosure of Compensation in an untimely fashion requiring extra work from the Clerks’ office and from chambers. For example, over the last five regular hearing dates for the disgorgement calendar, i.e., July 15, July 29, August 12, August 26, and September 9, 27 of the 47 matters heard are cases that arose from Mr. Benavides’ failure to file timely Disclosure of Compensation. Future violations may result in the imposition of sanctions against attorney Benavides.

3. [24-23402](#)-A-7 **IN RE: SARA ROSE**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-8-2024 [\[16\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 18

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed. Disclosure of Compensation, ECF No. 18. The order to show cause is dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of Compensation with the petition. This is required by LBR 2016, which states: “(a) The attorney for the debtor in a chapter 7 or chapter 13 case must file the Disclosure of Compensation of Attorney for Debtor, Form B2030, with the petition, rather than 14 days thereafter, or when the attorney substitutes in as attorney for the debtor in such case. Fed. R. Bankr. P. 2016(b).” The court notes that attorney Benavides regularly files the Disclosure of Compensation in an untimely fashion requiring extra work from the Clerks’ office and from chambers. For example, over the last five regular hearing dates for the disgorgement calendar, i.e., July 15, July 29, August 12, August 26, and September 9, 27 of the 47 matters heard are cases that arose from Mr. Benavides’ failure to file timely Disclosure of Compensation. Future violations may result in the imposition of sanctions against attorney Benavides.

4. [24-23403](#)-A-7 **IN RE: MARGARITA ALVAREZ**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-8-2024 [\[16\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DEBTOR DISMISSED: 08/20/24
DISCLOSURE, ECF NO. 19

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed. Disclosure of Compensation, ECF No. 19. The order to show cause is dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of Compensation with the petition. This is required by LBR 2016, which states: "(a) The attorney for the debtor in a chapter 7 or chapter 13 case must file the Disclosure of Compensation of Attorney for Debtor, Form B2030, with the petition, rather than 14 days thereafter, or when the attorney substitutes in as attorney for the debtor in such case. Fed. R. Bankr. P. 2016(b)." The court notes that attorney Benavides regularly files the Disclosure of Compensation in an untimely fashion requiring extra work from the Clerks' office and from chambers. For example, over the last five regular hearing dates for the disgorgement calendar, i.e., July 15, July 29, August 12, August 26, and September 9, 27 of the 47 matters heard are cases that arose from Mr. Benavides' failure to file timely Disclosure of Compensation. Future violations may result in the imposition of sanctions against attorney Benavides.

5. [24-23405](#)-A-7 **IN RE: FRANCISCO/ROBYN ROBLES**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-8-2024 [\[16\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 18

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed. Disclosure of Compensation, ECF No. 18. The order to show cause is dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of Compensation with the petition. This is required by LBR 2016, which states: "(a) The attorney for the debtor in a chapter 7 or chapter 13 case must file the Disclosure of Compensation of Attorney for

Debtor, Form B2030, with the petition, rather than 14 days thereafter, or when the attorney substitutes in as attorney for the debtor in such case. Fed. R. Bankr. P. 2016(b).” The court notes that attorney Benavides regularly files the Disclosure of Compensation in an untimely fashion requiring extra work from the Clerks’ office and from chambers. For example, over the last five regular hearing dates for the disgorgement calendar, i.e., July 15, July 29, August 12, August 26, and September 9, 27 of the 47 matters heard are cases that arose from Mr. Benavides’ failure to file timely Disclosure of Compensation. Future violations may result in the imposition of sanctions against attorney Benavides.

6. [24-23406](#)-A-7 **IN RE: ORLANDO RUIZ**
[CAE-1](#)

AMENDED ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-9-2024 [\[17\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 21

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed. Disclosure of Compensation, ECF No. 21. The order to show cause is dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of Compensation with the petition. This is required by LBR 2016, which states: “(a) The attorney for the debtor in a chapter 7 or chapter 13 case must file the Disclosure of Compensation of Attorney for Debtor, Form B2030, with the petition, rather than 14 days thereafter, or when the attorney substitutes in as attorney for the debtor in such case. Fed. R. Bankr. P. 2016(b).” The court notes that attorney Benavides regularly files the Disclosure of Compensation in an untimely fashion requiring extra work from the Clerks’ office and from chambers. For example, over the last five regular hearing dates for the disgorgement calendar, i.e., July 15, July 29, August 12, August 26, and September 9, 27 of the 47 matters heard are cases that arose from Mr. Benavides’ failure to file timely Disclosure of Compensation. Future violations may result in the imposition of sanctions against attorney Benavides.

7. [24-23407](#)-A-7 **IN RE: LAURA BUTLER**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-8-2024 [\[16\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 24

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed. Disclosure of Compensation, ECF No. 24. The order to show cause is dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of Compensation with the petition. This is required by LBR 2016, which states: "(a) The attorney for the debtor in a chapter 7 or chapter 13 case must file the Disclosure of Compensation of Attorney for Debtor, Form B2030, with the petition, rather than 14 days thereafter, or when the attorney substitutes in as attorney for the debtor in such case. Fed. R. Bankr. P. 2016(b)." The court notes that attorney Benavides regularly files the Disclosure of Compensation in an untimely fashion requiring extra work from the Clerks' office and from chambers. For example, over the last five regular hearing dates for the disgorgement calendar, i.e., July 15, July 29, August 12, August 26, and September 9, 27 of the 47 matters heard are cases that arose from Mr. Benavides' failure to file timely Disclosure of Compensation. Future violations may result in the imposition of sanctions against attorney Benavides.

8. [24-23214](#)-A-13 **IN RE: TONY/TERESA SOUZA**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
7-31-2024 [\[13\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 20

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed. Disclosure of Compensation, ECF No. 20. The order to show cause is dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of Compensation with the petition. This is required by LBR 2016, which states: "(a) The attorney for the debtor in a chapter 7 or chapter 13 case must file the Disclosure of Compensation of Attorney for Debtor, Form B2030, with the petition, rather than 14 days

thereafter, or when the attorney substitutes in as attorney for the debtor in such case. Fed. R. Bankr. P. 2016(b).” The court notes that attorney Benavides regularly files the Disclosure of Compensation in an untimely fashion requiring extra work from the Clerks’ office and from chambers. For example, over the last five regular hearing dates for the disgorgement calendar, i.e., July 15, July 29, August 12, August 26, and September 9, 27 of the 47 matters heard are cases that arose from Mr. Benavides’ failure to file timely Disclosure of Compensation. Future violations may result in the imposition of sanctions against attorney Benavides.

9. [24-90428](#)-A-7 **IN RE: TAYLOR FOULDS**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-6-2024 [\[12\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 18

Final Ruling

The Disclosure of Compensation, Form B2030, has been filed.
Disclosure of Compensation, ECF No. 18. The order to show cause is dropped and no appearance is necessary.

10. [24-12231](#)-A-7 **IN RE: SYLVIA MOSQUEDA**
[CAE-1](#)

AMENDED ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-9-2024 [\[16\]](#)

PHILLIP GILLET/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 19

Final Ruling

The Disclosure of Compensation, Form B2030, has been filed.
Disclosure of Compensation, ECF No. 19. The order to show cause is dropped and no appearance is necessary.

11. [24-90435](#)-A-7 **IN RE: JON POWELL**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-7-2024 [\[13\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 15

Final Ruling

The Disclosure of Compensation, Form B2030, has been filed.
Disclosure of Compensation, ECF No. 15. The order to show cause is
dropped and no appearance is necessary.

12. [24-20467](#)-A-13 **IN RE: PROSPERO DITO**
[FEC-1](#)

ORDER REQUIRING DISGORGEMENT OF FEES
7-30-2024 [\[30\]](#)

STACIE POWER/ATTY. FOR DBT.
CASE CLOSED: 04/16/24

No Ruling

13. [24-23399](#)-A-7 **IN RE: MICHAEL GARDNER AND KAYLEE SORENSEN**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
8-8-2024 [\[17\]](#)

MICHAEL BENAVIDES/ATTY. FOR DBT.
DISCLOSURE, ECF NO. 20

Tentative Ruling

The Disclosure of Compensation, Form B2030, has been filed.
Disclosure of Compensation, ECF No. 20. The order to show cause is
dropped; respondent Michael Benavides is ordered to appear.

Respondent attorney Benlvides is cautioned to file the Disclosure of
Compensation with the petition. This is required by LBR 2016, which
states: "(a) The attorney for the debtor in a chapter 7 or chapter
13 case must file the Disclosure of Compensation of Attorney for
Debtor, Form B2030, with the petition, rather than 14 days
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debtor in such case. Fed. R. Bankr. P. 2016(b)." The court notes
that attorney Benavides regularly files the Disclosure of

Compensation in an untimely fashion requiring extra work from the Clerks' office and from chambers. For example, over the last five regular hearing dates for the disgorgement calendar, i.e., July 15, July 29, August 12, August 26, and September 9, 27 of the 47 matters heard are cases that arose from Mr. Benavides' failure to file timely Disclosure of Compensation. Future violations may result in the imposition of sanctions against attorney Benavides.