



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, September 18, 2025
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 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties 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.

9:30 AM

1. [23-10001](#)-A-13 **IN RE: BRIAN/NADINE CANALES**
[TCS-1](#)

MOTION FOR COMPENSATION FOR TIMOTHY C. SPRINGER, DEBTORS ATTORNEY(S)
9-3-2025 [\[46\]](#)

TIMOTHY SPRINGER/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 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 compensation, Federal Rule of Bankruptcy Procedure ("Rule") 2002(a)(6) requires at least 21 days' notice by mail.

Notice of this motion was sent by mail on September 3, 2025, with a hearing date set for September 18, 2025, which is 15 days before the hearing. Because this motion was set for hearing on less than 21 days' notice, this motion is DENIED WITHOUT PREJUDICE for improper notice under Rule 2002.

2. [25-11009](#)-A-13 **IN RE: JACKIE GALLEGOS**
[EPE-1](#)

CONTINUED MOTION TO CONFIRM PLAN
7-3-2025 [\[49\]](#)

JACKIE GALLEGOS/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

3. [25-11009](#)-A-13 **IN RE: JACKIE GALLEGOS**
[EPE-3](#)

MOTION TO VALUE COLLATERAL OF TOWER FEDERAL CU
8-14-2025 [\[66\]](#)

JACKIE GALLEGOS/MV
ERIC ESCAMILLA/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.

Jackie Rae Gallegos ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2020 Acura RDX, VIN: 5J8TC1H64LL00542 ("Vehicle"), which is the collateral of Tower Federal CU¹ ("Creditor"), at \$19,000.00. Doc. #66.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that where the debtor is in individual in a chapter 13 case, the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtor asserts the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Jackie Rae Gallegos, Doc. #68. Debtor asserts a replacement value of the Vehicle of \$19,000.00 and asks the court for an order valuing the Vehicle at \$19,000.00. Id. As the owner, Debtor's opinion of value is evidence of the value of the Vehicle. See Fed. R. Evid. 701; see also Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Creditor filed a proof of claim on April 22, 2025, which asserts a value for the Vehicle of \$23,000.00. Claim 5-1. Because Creditor did not oppose the motion and Debtor is competent to testify as to the value of the Vehicle, the court accepts Debtor's valuation of the Vehicle.

Accordingly, the motion is GRANTED. Creditor's secured claim will be fixed at \$19,000.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

¹ While the motion and exhibits state that the lienholder of the collateral is Tower Federal CU (Doc. ##66, 69), the declaration in support of the motion states that the lienholder is Ally Financial, Inc. (Doc. #68). The court assumes the declaration mistakenly refers to Ally Financial, Inc., and Debtor instead intended to refer to Tower Federal CU.

4. [25-11310](#)-A-13 **IN RE: FRANCISCO SALCEDO**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
5-29-2025 [\[13\]](#)

LILIAN TSANG/MV
PETER BUNTING/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

5. [25-12112](#)-A-13 **IN RE: KA VANG**
[DMG-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SIA VANG
8-18-2025 [\[31\]](#)

SIA VANG/MV
PETER BUNTING/ATTY. FOR DBT.
DAVID GILMORE/ATTY. FOR MV.

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

DISPOSITION: Dropped as moot.

ORDER: The court will issue an order.

This objection to confirmation is DROPPED AS MOOT. The debtor withdrew the chapter 13 plan on August 18, 2025. Doc. #23.

6. [25-12112](#)-A-13 **IN RE: KA VANG**
[LGT-1](#)

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

PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION: Dropped as moot.

ORDER: The court will issue an order.

This objection to confirmation is DROPPED AS MOOT. The debtor withdrew the chapter 13 plan on August 18, 2025. Doc. #23.

7. [25-12316](#)-A-13 **IN RE: MELINDA DAVIS**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
8-29-2025 [\[13\]](#)

LILIAN TSANG/MV
SETH HANSON/ATTY. FOR DBT.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Trustee withdrew the objection to confirmation on September 8, 2025. Doc. #16.

8. [24-12932](#)-A-13 **IN RE: TIMOTHY/TRICIA KINGSLEY**
[BDB-1](#)

OBJECTION TO CLAIM OF LVNV FUNDING, LLC, CLAIM NUMBER 32
7-22-2025 [\[26\]](#)

TRICIA KINGSLEY/MV
BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

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

This objection to claim was set for hearing on at least 44 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of creditors, the claimant, 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 3007-1(b)(1)(A) may be deemed a waiver of any opposition to the sustaining of the objection. 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.

Timothy Michael Kingsley and Tricia Michelle Kingsley (together, "Debtors") object to Claim No. 32 (the "Claim") filed by LVNV Funding, LLC (the "Claimant") on the grounds that the Claim is unenforceable and should be entirely disallowed pursuant to 11 U.S.C. § 502(b)(1). Doc. #26.

Federal Rule of Bankruptcy Procedure 3001(f) provides that "[a] proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." 11 U.S.C. § 502(a) states

that a claim or interest, evidenced by a proof of claim filed under § 501, is deemed allowed unless a party in interest objects. The party objecting to a presumptively valid claim has the burden of presenting evidence to overcome the *prima facie* showing made by the proof of claim. In re Medina, 205 B.R. 216, 222 (B.A.P. 9th Cir. 1996). The objecting party must provide "sufficient evidence and 'show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves.'" Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (quoting In re Holm, 931 F.2d 620, 623 (9th Cir. 1991)). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." Id. (quoting Ashford v. Consol. Pioneer. Mortg. (In re Consol. Pioneer Mortg.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995)).

The Claim asserts an unsecured claim of \$642.16 stemming from a credit account originally owned by Citibank, N.A. Claim 32. The Claim lists the last transaction date on the account as August 24, 2006, the last payment date on the account as June 12, 2007, and the account charge off date as January 30, 2008. Claim 32. The only additional information provided with the Claim is a Bill of Sale, Assignment, and Assumption Agreement signed by Citibank (South Dakota), N.A., Sherman Originator LLC and LVNV Funding LLC. Claim 32.

Debtors contend that the relevant statute of limitations in California (Civ. Proc. Code § 337) bars Claimant's action to recover on a contract, obligation, or liability founded on an instrument in writing after four years. Doc. #26. Therefore, Debtors argue, the Claim must be disallowed entirely under § 502(b)(1).

A claim cannot be allowed under § 502(b)(1) if it is unenforceable under nonbankruptcy law. Durkin v. Bendor Corp. (In re G.I. Indus.), 204 F.3d 1276, 1281 (9th Cir. 2000). Having reviewed the Claim and Debtors' objection, the court finds that Debtors rebutted the *prima facie* showing made by the Claim. Claimant has not responded.

Accordingly, Debtors' objection to Claim No. 32 is SUSTAINED.

9. [24-12932](#)-A-13 **IN RE: TIMOTHY/TRICIA KINGSLEY**
[BDB-2](#)

OBJECTION TO CLAIM OF HUNTINGTON NATIONAL MANAGEMENT LLC, CLAIM NUMBER 33
7-22-2025 [[30](#)]

TRICIA KINGSLEY/MV
BENNY BARCO/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled without prejudice.

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 claim was set for hearing on at least 44 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3007-1(b)(1). The failure of creditors, the claimant, 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 3007-1(b)(1)(A) may be deemed a waiver of any opposition to the sustaining of the objection. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have not done here.

Timothy Michael Kingsley and Tricia Michelle Kingsley (together, "Debtors") object to Claim No. 33 (the "Claim") filed by Huntington National Management LLC (the "Claimant") on the grounds that the Claim is unenforceable and should be entirely disallowed pursuant to 11 U.S.C. § 502(b)(1). Doc. #30.

Federal Rule of Bankruptcy Procedure 3001(f) provides that "[a] proof of claim executed and filed in accordance with these rules shall constitute *prima facie* evidence of the validity and amount of the claim." 11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof of claim filed under § 501, is deemed allowed unless a party in interest objects. The party objecting to a presumptively valid claim has the burden of presenting evidence to overcome the *prima facie* showing made by the proof of claim. In re Medina, 205 B.R. 216, 222 (B.A.P. 9th Cir. 1996). The objecting party must provide "sufficient evidence and 'show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves.'" Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (quoting In re Holm, 931 F.2d 620, 623 (9th Cir. 1991)). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." Id. (quoting Ashford v. Consol. Pioneer. Mortg. (In re Consol. Pioneer Mortg.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995)).

The Claim asserts an unsecured claim of \$191.25 stemming from a credit account originally owned by Advance America. Claim 33. The Claim does not list the last transaction date on the account, the last payment date on the account, or the account charge off date. Claim 33. The only additional information provided with the Claim is a Bill of Sale and Assignment signed by First Northern LLC and Huntington National Management LLC. Ex. A, Doc. #32; Claim 33.

A claim cannot be allowed under § 502(b)(1) if it is unenforceable under nonbankruptcy law. Durkin v. Benedor Corp. (In re G.I. Indus.), 204 F.3d 1276, 1281 (9th Cir. 2000). Debtors contend that the relevant statute of limitations in California (Civ. Proc. Code § 337) bars Claimant's action to recover on a contract, obligation, or liability founded on an instrument in writing after four years. Doc. #30. Therefore, Debtors argue, the Claim must be disallowed entirely under § 502(b)(1).

However, there is no declaration or other evidence filed with the objection to support Debtors' assertion that the debt underlying the Claim occurred prior to the statute of limitations period. Debtors bear the burden of presenting evidence to overcome the *prima facie* showing made by the Claim, and Debtors have not met this burden.

Accordingly, Debtors' objection to Claim No. 33 is OVERRULED WITHOUT PREJUDICE.

10. [25-12240](#)-A-13 **IN RE: RUBY BALDERAMA**
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
8-18-2025 [\[27\]](#)

ALLY BANK/MV
JERRY LOWE/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.

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

DISPOSITION: Continued to October 30, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

Rudy Frances Balderama ("Debtor") filed a voluntary petition under chapter 13 on July 1, 2025 as well as a chapter 13 plan ("Plan") on July 15, 2025. Doc. #1, 13. 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. #27.

This objection will be continued to October 30, 2025 at 9:30 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 October 16, 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. Creditor shall file and serve a reply, if any, by October 23, 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 23, 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.

11. [25-12240](#)-A-13 **IN RE: RUBY BALDERAMA**
[JRL-1](#)

MOTION TO VALUE COLLATERAL OF ALLY BANK
8-14-2025 [\[22\]](#)

RUBY BALDERAMA/MV
JERRY LOWE/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue and set for an evidentiary hearing over disputed valuation.

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 creditor timely filed written opposition on August 26, 2025. Doc. #31. The failure of other 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). Therefore, the defaults of the non-responding parties in interest are entered.

Ruby Frances Balderama ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2013 Cadillac XTS Platinum ("Vehicle"), which is the collateral of Ally Bank ("Creditor"), at \$5,000.00. Doc. #22.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that where the debtor is in individual in a chapter 13 case, the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtor asserts the Vehicle was purchased more than 910 days before the filing of this case. Decl. of Ruby Frances Balderama, Doc. #24. Debtor asserts a replacement value of the Vehicle of \$5,000.00 and asks the court for an order valuing the Vehicle at \$5,000.00. Id.; Doc. #22. As the owner, Debtor's opinion of value is evidence of the value of the Vehicle. See Fed. R. Evid. 701; see also Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Creditor filed a proof of claim on July 29, 2025, which asserts a value for the Vehicle of \$9,750.22. Claim 6-1. Creditor opposes the motion and believes the Vehicle should be valued at \$7,362.00. Doc. #31. Creditor requests additional time to allow Creditor to obtain its own valuation of the Vehicle. Id.

It appears there is a dispute regarding the value of Creditor's claim for purposes of this valuation motion, and that disputed material factual issue must be resolved before the relief requested in the motion can be granted or denied. The court is inclined set a discovery schedule and status conference regarding an evidentiary hearing over the disputed valuation.

12. [25-12240](#)-A-13 **IN RE: RUBY BALDERAMA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-13-2025 [\[18\]](#)

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

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

DISPOSITION: Continued to October 30, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

Rudy Frances Balderama ("Debtor") filed a voluntary petition under chapter 13 on July 1, 2025 as well as a chapter 13 plan ("Plan") on July 15, 2025. Doc. ##1, 13. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) the Plan provides for payments to creditors for a period longer than 5 years, (2) a motion to value the collateral of creditor Ally Bank needs to be filed so Trustee can determine whether the Plan is feasible, and (3) the monthly plan payment needs to be increased to provide for all of Debtor's projected disposable income. Doc. #18.

This objection will be continued to October 30, 2025 at 9:30 a.m. 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 October 16, 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 23, 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 23, 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.

13. [24-11841](#)-A-13 **IN RE: HEATHER CORONADO**
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY, MOTION/APPLICATION FOR RELIEF
FROM CO-DEBTOR STAY
8-4-2025 [\[107\]](#)

U.S. BANK NATIONAL ASSOCIATION/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
WENDY LOCKE/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 pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the co-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 moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, U.S. Bank National Association, as Trustee, for the C-BASS Mortgage Loan Asset Backed Certificates, Series 2006-CB4 ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to the real property located at 5204 Clover Mountain Street, Bakersfield, California 93313 (the "Property"). Doc. #107. Movant also seeks relief from the codebtor stay under 11 U.S.C. § 1301(c). Id. Heather Ann Coronado ("Debtor") and Francisco Coronado ("Codebtor") executed a promissory note, which Movant has in its possession. Ex. 1, Doc. #110; Decl. of Daniel Delpesche, Doc. #111.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause. "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 Debtor has failed to make at least three complete post-petition payments. Doc. #107; Ex. 5, Doc. #110; Delpesche Decl., Doc. #111. Movant's allowed secured claim is not provided for by Debtor's confirmed chapter 13 plan. Plan, Doc. #83; Order, Doc. #101; Claim 3.

Section 1301 of the Bankruptcy Code provides for a codebtor stay that prohibits a creditor from acting to collect any part of a consumer debt from an individual that is liable on the debt with the bankruptcy debtor. 11 U.S.C. § 1301(a). Relief from the codebtor stay must be granted if "the plan filed by the debtor proposes not to pay such claim." 11 U.S.C. § 1301(c)(2); see In re Williams, 374 B.R. 713, 715-16 (Bankr. W.D. Mo. 2007). Here, Debtor's confirmed chapter 13 plan does not provide for Movant's allowed secured claim and does not propose to pay such claim. Plan, Doc. #83; Order, Doc. #101.

Accordingly, the motion will be granted as to Debtor pursuant to 11 U.S.C. § 362(d)(1) and as to Codebtor pursuant to 11 U.S.C. § 1301(c) 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.

MOTION TO DISMISS CASE
8-8-2025 [\[209\]](#)

SONIA LOPEZ/MV

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 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 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 to make all payments due under the plan. Doc. #209. The debtor is delinquent in the amount of \$3,273.00. Id. Before this hearing, another payment in the amount of \$1,641.00 will also come due. 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". "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) and (c)(6) for failure to make all payments due under the plan.

Based on the confirmation of the original plan, there was a liquidation amount of \$4,432.52 as of December 18, 2023. Order, Doc. #95. This amount is based primarily on non-exempt equity in two vehicles. Because the vehicles have depreciated in value since December 2023, there does not appear to be significant non-exempt equity in the debtor's assets to be realized for the benefit of the estate, so dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

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

15. [25-12050](#)-A-13 **IN RE: ANDRES LOPEZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-25-2025 [[39](#)]

NO RULING.

16. [25-12050](#)-A-13 **IN RE: ANDRES LOPEZ**
[LGT-2](#)

MOTION TO DISMISS CASE
8-5-2025 [[28](#)]

LILIAN TSANG/MV

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 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 ("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. #28. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) provide Trustee with required documents; (3) file correct form for Chapter 13 Plan as provided by the LBR 3015-1(a); and (4) commence making payments due under the plan. As of August 5, 2025, monthly plan payments are delinquent in the amount of \$1,000.00. While this motion is pending, further monthly plan payments will come due. In addition to the delinquency amount, the debtor must also make the monthly plan payment of \$1,000.00 for August 25, 2025. Doc. #28. As of the date of this motion, the debtor has filed inaccurate and/or incomplete schedules; and thus, Trustee has not been able to determine liquidation in this case. 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 because the debtor failed to appear at the scheduled 341 meeting of creditors and failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). 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.

Because the debtor has failed to appear at the meeting of creditors, dismissal rather than conversion is appropriate.

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

17. [24-13053](#)-A-13 **IN RE: ASHLEY DAWSON**
[FW-1](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, PC FOR
PETER A SAUER, DEBTORS ATTORNEY(S)
8-12-2025 [\[20\]](#)

PETER SAUER/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.

Fear Waddell, P.C. (“Movant”), counsel for Ashley Nichole Dawson (“Debtor”), the debtor in this chapter 13 case, requests interim allowance of compensation in the amount of \$3,185.50 and reimbursement for expenses in the amount of \$1.66 for services rendered from June 11, 2024 through July 31, 2025. Doc. #20. Debtor’s confirmed plan provides, in addition to \$3,387.00 paid prior to filing the case, for \$6,300.00 in attorney’s fees to be paid through the plan. Plan, Doc. ##3, 19. No prior fee application has been filed. Debtor consents to the amount requested in Movant’s application. Ex. E, Doc. #22.

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). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). 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) prepetition consultation with Debtor and fact gathering, including independently verifying information; (2) preparing voluntary petition, schedules and related forms and amendments thereto; (3) preparing for and attending 341 meeting of creditors; (4) preparing and prosecuting Debtor's original and first modified plans; (5) claim administration and claim objections; (6) preparing the fee application; and (7) general case administration. Exs. B & C. Doc. #22. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$3,185.50 and reimbursement for expenses in the amount of \$1.66 to be paid in a manner consistent with the terms of the confirmed plan.

18. [24-10957](#)-A-13 **IN RE: ROLANDO/CYNTHIA OZUNA**
[LGT-1](#)

MOTION TO DISMISS CASE
8-8-2025 [[35](#)]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part; the case will be converted.

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 debtors timely filed a written response on August 15, 2025. Doc. #39. 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). Therefore, the defaults of the non-responding parties in interest are entered.

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 debtors to make all payments due under the plan. Doc. #35. The debtors are delinquent in the amount of \$12,245.00. Id. Before this hearing, another payment in the amount of \$4,867.00 will also come due. Id. The debtors filed a response on August 15, 2025. Doc. #39.

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) and (c)(6) for failure to make all payments due under the plan.

In reviewing the case, the debtors have opted to use 704 exemptions. As of right now, there is a liquidation amount of \$161,442.59, after Trustee compensation. This liquidation amount is comprised of the value of the debtors’ real property and 2016 Kubota Tractor BX23.

In their response to the motion, the debtors do not oppose converting their case from chapter 13 to chapter 7. Doc. #39; Decl. of Rolando Ozuna, Doc. #40. The debtors believe conversion is in the best interest of their creditors and themselves so that the debtors may receive their financial fresh start from a chapter 7 bankruptcy discharge. Id. Because there appears to be significant non-exempt equity in the debtors’ assets to be realized for the benefit of the estate and the debtors request conversion of their bankruptcy case rather than dismissal, conversion, rather than dismissal, is in the best interests of creditors and the estate.

Accordingly, the motion will be GRANTED IN PART. The case will be converted.

19. [25-12258](#)-A-13 **IN RE: BEVERLY GARFOOT**
[PBB-1](#)

MOTION TO CONFIRM PLAN
8-1-2025 [\[15\]](#)

BEVERLY GARFOOT/MV
PETER BUNTING/ATTY. FOR DBT.
PLAN WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the chapter 13 plan on August 19, 2025. Doc. #25. Therefore, the hearing on the motion to confirm the plan is dropped from calendar.

20. [20-11859](#)-A-13 **IN RE: JOSE HERNANDEZ AND ROSA GUDINO**
[LGT-1](#)

MOTION TO DISMISS CASE
8-8-2025 [\[28\]](#)

LILIAN TSANG/MV
SCOTT LYONS/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 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 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)(6) and (c)(8) for material default by the debtors with respect to a term of a confirmed plan and termination of a confirmed plan by reason of the occurrence of a condition specified in the plan other than completion of plan payments under the plan. Doc. #28. The debtors have failed to make all payments to creditors under the plan. The debtors' petition was filed on May 29, 2020. The debtors proposed a 60-month plan. Month 60 was May 2025. As of August 8, 2025, the total claims filed herein require an aggregate payment of \$110,932.61. The debtors have only paid \$110,812.11. Therefore, a total of \$120.50 needs to be paid in order to pay the remaining claims plus trustee compensation. Id.

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) and (c)(6) for failure to make all payments due under the plan.

A review of the debtors' confirmed plan shows that the plan provided for 100% payment to general unsecured creditors. Because the debtors have paid all but \$120.50 required under their plan, the court assumes creditors have been substantially paid under the confirmed plan so dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

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

MOTION TO CONFIRM PLAN
7-22-2025 [\[68\]](#)

ARNULFO MUNOZ-GONZALES/MV
NIMA VOKSHORI/ATTY. FOR DBT.
RESPONSIVE PLEADING

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.

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 22, 2025 using a Clerk's Matrix of Creditors that was generated June 6, 2025. Doc. #71. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

As a further procedural matter, the plan does 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, the second amended plan lists DCN NSV-1 but should have listed DCN NSV-2 to match the motion and supporting papers.

As a further procedural matter, the certificate of service filed in connection with this motion (Doc. #71) does not comply with LBR 7005-1 and General Order 22-03, which require attorneys and trustees to use the court's Official Certificate of Service Form as of November 1, 2022.

As a further procedural matter, the creditor's opposition does not comply with LBR 9004-2(d), which requires exhibits to be filed as a separate document. Here, Creditor's opposition was filed as a single 32-page document that included the creditor's exhibits. Doc. #74.

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>.

22. [25-12265](#)-A-13 **IN RE: MANUEL/RISSY MONTOYA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-12-2025 [\[14\]](#)

LILIAN TSANG/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 30, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

Manual A. Montoya and Rissy Y. Montoya (together, "Debtors") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on July 4, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) motions to value the collateral of creditor American Credit Acceptance and creditor Exeter Finance LLC need to be filed for the Trustee to determine whether the Plan is feasible, (2) the Plan payment needs to be increased to be feasible, (3) a disclosure of compensation for attorney needs to be amended, and (4) the meeting of creditors has not yet concluded. Doc. #14. An amended disclosure of compensation for attorney and amended Schedule J has been filed. Doc. #17; Am. Schedule J, Doc. #19. Debtors' 341 meeting of creditors has been continued to October 21, 2025 at 9:00 a.m. See court docket entry entered on September 8, 2025.

This objection will be continued to October 30, 2025 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than October 16, 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. Trustee shall file and serve a reply, if any, by October 23, 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 23, 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 Trustee's objection without a further hearing.

23. [25-11870](#)-A-13 **IN RE: GENYL BAYONA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-17-2025 [\[20\]](#)

LILIAN TSANG/MV
RABIN POURNAZARIAN/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 debtor filed a modified plan on August 14, 2025 (PLG-2, Doc. #28), with a motion to confirm the modified plan set for hearing on October 2, 2025 at 9:30 a.m. Doc. ##26-31.

24. [23-11977](#)-A-13 **IN RE: JOSEPH ALCALA**
[TCS-1](#)

MOTION TO MODIFY PLAN
8-13-2025 [[29](#)]

JOSEPH ALCALA/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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.

There is no attachment to the certificate of service filed with the motion (Doc. ##29, 35) showing the parties and addresses on which the motion and supporting documents were served. Local Rule of Practice 3015-1(d)(1) requires the motion to be served at least 35 days prior to the hearing date. However, the court cannot determine whether the proper parties were served and whether that service was timely.

25. [25-12178](#)-A-13 **IN RE: MERELYN ESTILLORE**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-13-2025 [[12](#)]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to October 30, 2025 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.

Merelyn Subala Estillore ("Debtor") filed a voluntary petition under chapter 13 as well as a chapter 13 plan ("Plan") on June 30, 2025. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because the meeting of creditors has not yet concluded. Doc. #12. Debtor filed a response to Trustee's objection stating that Debtor is current in all of her Plan payments and has filed all amendments requested by Trustee. Doc. #21. Trustee filed a reply to Debtor's response ("Supplemental Objection") stating that (1) the meeting of creditors still has not yet concluded, (2) Debtor's monthly income should be paid into the Plan for the benefit of the general unsecured claims, (3) the Plan does not meet the requirements of 11 U.S.C. § 1325(a)(4)

in that it appears creditors would receive more in a chapter 7 liquidation, and (4) Trustee needs evidence to support undisclosed expenses not included in Debtor's amended schedules. Doc. #24. Debtor's 341 meeting of creditors has been continued to September 23, 2025 at 2:00 p.m. See court docket entry entered on August 26, 2025.

The court is inclined to continue the hearing on this objection to October 30, 2025 at 9:30 a.m. 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 to the Supplemental Objection no later than October 16, 2025. The response shall specifically address each issue raised in the Supplemental 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 23, 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 23, 2025. If Debtor does not timely file a modified plan or a written response to the Supplemental Objection, this objection to confirmation will be sustained on the grounds stated in the Supplemental Objection without a further hearing.

26. [25-12188](#)-A-13 **IN RE: MARCOS/DONNA REYNA**
[LGT-1](#)

MOTION TO DISMISS CASE
8-12-2025 [\[24\]](#)

LILIAN TSANG/MV
DISMISSED 9/3/25

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on September 3, 2025. Doc. #33. Therefore, this motion will be DENIED AS MOOT.

27. [24-13289](#)-A-13 **IN RE: JORGE PERALES**
[DMG-5](#)

MOTION TO CONFIRM PLAN
8-14-2025 [\[105\]](#)

JORGE PERALES/MV
D. GARDNER/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. #110; Opp'n Withdrawal, Doc. #114. 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.

28. [25-12097](#)-A-13 **IN RE: MAGDALENA PUENTES JURAZ**
[DJP-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
7-3-2025 [\[18\]](#)

EDUCATIONAL EMPLOYEES CREDIT UNION/MV
PETER MACALUSO/ATTY. FOR DBT.
DON POOL/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

29. [25-12097](#)-A-13 **IN RE: MAGDALENA PUENTES JURAZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-12-2025 [\[56\]](#)

LILIAN TSANG/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continued to October 16, 2025 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.

Magdalena Puentes Juraz ("Debtor") filed a voluntary petition under chapter 13 on June 25, 2025 as well as a chapter 13 plan ("Plan") on July 2, 2025. Doc. ##1, 10. The chapter 13 trustee ("Trustee") objects to confirmation of the

Plan because the meeting of creditors has not yet concluded. Doc. #56. Debtor filed a response to Trustee's objection stating that the meeting of creditors is scheduled for October 6, 2025 and requests this objection be continued until the meeting of creditors is concluded. Doc. #68. Debtor's 341 meeting of creditors has been continued to October 6, 2025 at 9:00 a.m. See court docket entry entered on September 8, 2025.

The court is inclined to continue the hearing on this objection to October 16, 2025 at 9:30 a.m. to confirm that the meeting of creditors has concluded.

1. [25-11339](#)-A-7 **IN RE: LOWELL/STACEY WHITFIELD**
[25-1030](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
7-17-2025 [[1](#)]

QUALITY COLLISION NORCAL LLC V. WHITFIELD ET AL
DAVID KUPETZ/ATTY. FOR PL.
ADV. DISMISSED 8/22/25

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on August 22, 2025. Doc. #16.

2. [23-10740](#)-A-7 **IN RE: EID AWIMER**
[25-1034](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
7-23-2025 [[1](#)]

AWIMER V. SPOUS POWER ENERGY

NO RULING.

3. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1020](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: NOTICE OF REMOVAL
7-30-2024 [[1](#)]

HACIENDA HOMEOWNERS FOR JUSTICE ET AL V. LA HACIENDA
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on September 17, 2025. Doc. #81.

4. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1020](#) [OHS-2](#)

CONTINUED MOTION FOR REMAND
8-28-2024 [\[25\]](#)

HACIENDA HOMEOWNERS FOR JUSTICE ET AL V. LA HACIENDA
MARC LEVINSON/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Pursuant to the stipulated order entered on September 17, 2025, the case has been remanded to state court. Doc. #81. Therefore, this hearing is dropped from calendar.

5. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1027](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
8-21-2024 [\[1\]](#)

LA HACIENDA MOBILE ESTATES, LLC V. CITY OF FRESNO ET AL
ADAM BOLT/ATTY. FOR PL.
DISMISSED 9/15/25

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on September 15, 2025. Doc. #68.

6. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1027](#) [JJB-2](#)

CONTINUED MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
10-21-2024 [\[26\]](#)

LA HACIENDA MOBILE ESTATES, LLC V. CITY OF FRESNO ET AL
JONATHAN BELAGA/ATTY. FOR MV.
DISMISSED 9/15/25

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on September 15, 2025. Doc. #68.

7. [24-10680](#)-A-7 **IN RE: CENTRAL CALIFORNIA CARTAGE CO, INC**
[24-1053](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
12-2-2024 [[1](#)]

EDMONDS V. RYDER TRUCK RENTAL, INC.
ANTHONY JOHNSTON/ATTY. FOR PL.
DISMISSED 7/24/25; CLOSED 8/11/2025

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on July 24, 2025. Doc. #31.