



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, September 23, 2026
Department A – Courtroom #11
Fresno, California

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

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

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

Please also note the following:

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

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

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

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

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. [26-13301](#)-A-11 **IN RE: HOTEL CHARLOTTE**
[BSH-4](#)

CONTINUED MOTION TO USE CASH COLLATERAL AND/OR MOTION GRANTING REPLACEMENT
LIENS, MOTION TO SCHEDULE FINAL HEARING
9-4-2026 [[38](#)]

HOTEL CHARLOTTE/MV
BRIAN HADDIX/ATTY. FOR DBT.

NO RULING.

2. [26-13301](#)-A-11 **IN RE: HOTEL CHARLOTTE**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
7-15-2026 [[1](#)]

BRIAN HADDIX/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

On September 16, 2026, the debtor filed and served a motion to dismiss this case. Doc. #63. While notice of the motion to dismiss does not comply with Federal Rule of Bankruptcy Procedure 2002(a)(4) because it was served on less than 21 days' notice and no request to shorten time for a hearing on that motion has been filed, the court will continue this chapter 11 status conference to September 30, 2026 at 9:30 a.m.

3. [26-13718](#)-A-11 **IN RE: PUP II, LLC**
[TRN-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-25-2026 [[22](#)]

PERSEVERE LENDING, INC./MV
NANCY KLEPAC/ATTY. FOR DBT.
TOM NORMANDIN/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

Procedural and Informative Matters with Respect to the Motion

As an initial procedural matter, Federal Rules of Bankruptcy Procedure ("Rule") 4001(a)(1) and 9014(b) require service of a motion for relief from

stay to be made pursuant to Rule 7004. Rule 7004(b)(9) requires service on "the debtor, after a petition has been filed by or served upon a debtor, and until the case is dismissed or closed-by mailing the copy to the address shown on the debtor's petition or the address the debtor specifies in a filed writing[.]" While the moving party filed a certificate of service showing the required documents were served on August 25, 2026, there is no Attachment 6A-1 listing the persons served and the address to which service was made. Doc. #26. Because there is no Attachment 6A-1 included with the certificate of service on file, this court cannot determine whether the debtor was served properly as required by Rule 4001(a)(1). However, the debtor timely filed written opposition to the motion and did not object to any improper service. Doc. ##28-30. Because the debtor timely responded to the motion, the court deems the debtor received adequate notice of the motion.

As a further procedural matter, the declaration filed with the motion does not comply with LBR 9004-2(d), which requires exhibits to be filed as a separate document. Here, the declaration filed in support of the motion was filed as a single 55-page document that included the movant's exhibits. Doc. #24. The exhibits should have been filed as a single document with an appropriate index and page numbering pursuant to LBR 9004-2(d). Finally, Exhibit 6 is not the document referred to in the declaration.

As an informative matter, the certificate of service filed in connection with the motion (Doc. #26) was filed as a fillable version of the court's Official Certificate of Service form instead of being printed prior to filing with the court. The version that was filed with the court can be altered because it is still the fillable version. In the future, the declarant should print the completed certificate of service form prior to filing and not file the fillable version.

Procedural and Informative Matters with Respect to the Opposition

As a procedural matter, the opposition does not comply with LBR 9014-1(f)(1)(B), which requires that "[o]pposition shall be accompanied by evidence establishing its factual allegations." Here, while the opposition includes supporting exhibits, there is no declaration authenticating the exhibits or testifying to any additional factual allegations asserted in the opposition. Doc. ##28-29.

As an informative matter, Exhibit A filed with the opposition is missing the even number pages of the complaint. See Doc. #29. In addition, there is no request by the debtor for this court to take judicial notice of the complaint, and there is no file stamp showing that the complaint was filed with the Superior Court of the State of California, County of Fresno. Further, Exhibit A does not have a case number, so the complaint is not a document of which the court can take judicial notice under Federal Rule of Evidence 201.

The court encourages counsel for the moving party and counsel for the debtor to review the local rules to ensure compliance in future matters or pleadings filed in those matters may not be considered 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>.

4. [26-12633](#)-A-11 **IN RE: LEWIS TOWING 2 INC.**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
6-3-2026 [\[1\]](#)

JOSEPH WEST/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 13, 2026 at 9:30 a.m.

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

On September 16, 2026, creditor Luis Manuel Luna, Jr. filed and served a motion to dismiss this case. Doc. #82-88. While the debtor has also filed a Subchapter V plan (Doc, #75), no order setting that plan for confirmation hearing has been submitted to the court. See EDC Form 6-202. Accordingly, the court will continue this chapter 11 status conference to October 13, 2026 at 9:30 a.m. to be heard in conjunction with the hearing on the motion to dismiss.

5. [26-12633](#)-A-11 **IN RE: LEWIS TOWING 2 INC.**
[WLF-1001](#)

CONTINUED MOTION TO EMPLOY JOSEPH A. WEST AS ATTORNEY(S)
8-5-2026 [\[52\]](#)

LEWIS TOWING 2 INC./MV
JOSEPH WEST/ATTY. FOR DBT.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on September 9, 2026. Doc. #78.

6. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-2](#)

CONTINUED MOTION TO USE CASH COLLATERAL
2-18-2026 [\[5\]](#)

FRIEDENBACH FAMILY FARMS LLC/MV
PETER SAUER/ATTY. FOR DBT.

NO RULING.

7. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-3](#)

CONTINUED MOTION FOR AUTHORIZATION TO BORROW AND TO USE 2026 ALMOND CROP AS
COLLATERAL FOR SUCH BORROWING SENIOR TO ALL EXISTING LIENS
5-21-2026 [\[138\]](#)

FRIEDENBACH FAMILY FARMS LLC/MV
PETER SAUER/ATTY. FOR DBT.

NO RULING.

8. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-5](#)

CONTINUED MOTION FOR AUTHORIZATION TO BORROW AND TO USE 2026 ALMOND CROP AS
COLLATERAL FOR SUCH BORROWING SENIOR TO ALL EXISTING LIENS
6-9-2026 [\[166\]](#)

FRIEDENBACH FAMILY FARMS LLC/MV
PETER SAUER/ATTY. FOR DBT.

NO RULING.

9. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-6](#)

CONTINUED MOTION FOR AUTHORIZATION TO BORROW AND TO USE 2026 ALMOND CROP AS
COLLATERAL FOR SUCH BORROWING SENIOR TO ALL EXISTING LIENS
7-7-2026 [\[228\]](#)

FRIEDENBACH FAMILY FARMS LLC/MV
PETER SAUER/ATTY. FOR DBT.

NO RULING.

10. [26-11845](#)-A-12 **IN RE: KENNETH/BEVERLY ZWART**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
4-26-2026 [\[1\]](#)

DAVID JOHNSTON/ATTY. FOR DBT.

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

DISPOSITION: Dropped from calendar

ORDER: The court will issue an order.

An order dismissing the bankruptcy case was entered on September 21, 2026.
Doc. #64. Therefore, the status conference is dropped from calendar.

11. [26-10548](#)-A-11 **IN RE: CLIFFORD CATON**
[FW-17](#)

MOTION TO EXTEND 180 DAY EXCLUSIVITY PERIOD TO OBTAIN ACCEPTANCE OF
ACCEPTANCE OF CHAPTER 11 PLAN
8-7-2026 [\[167\]](#)

CLIFFORD CATON/MV
PETER FEAR/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. Derham-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, 917-18 (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.

As an informative matter, one of the certificates of service filed with the motion states that the motion and supporting documents were served on the debtor; however, there is no attachment showing mail service on the debtor. Doc. #175. Because this is the debtor's motion and the debtor filed a supporting declaration, the court does not require mail service on the debtor for the motion to be served properly.

Clifford Caton ("Debtor"), the debtor and debtor in possession in this chapter 11 case, moves the court pursuant 11 U.S.C. § 1121(d)(1) for an order extending the period of time during which Debtor has the exclusive right to obtain acceptances of his chapter 11 plan (the "Exclusive Period") from the current expiration date of August 9, 2026 to and including January 31, 2027. Doc. #167.

The Bankruptcy Code gives a chapter 11 debtor the exclusive right for 180 days after the filing of the petition in which to secure the approval of the plan through the solicitation of votes from each class of claims or interest that is impaired through the plan. 11 U.S.C. § 1121(c)(3). However, upon a motion with notice, a hearing, and only for "cause," the court may extend that deadline to a maximum of 20 months. 11 U.S.C. § 1121(d)(2)(B).

Here, Debtor filed his chapter 11 case on February 10, 2026, and timely filed his chapter 11 plan within the 120-day exclusivity period for filing a chapter 11 plan established by § 1121(b). Doc. #1, 108. The 180-day Exclusive Period ended on August 9, 2026. Any request to extend the Exclusive Period must be made before the Exclusive Period has expired. 11 U.S.C. § 1121(d). This

motion was filed on August 7, 2026, which is within the Exclusive Period, and is timely. Doc. #167.

Pursuant to § 1121(d), the court may extend the Exclusive Period for cause. The term "cause" is not defined by the Code but is generally left to the court's discretion based on the facts and circumstances of the case. In re PG&E Corporation, No. 19-30088 (DM), 2019 WL 3890211, *1 (Bankr. N.D. Cal. Aug. 16, 2019). In determining whether cause exists to extend the Exclusive Period, the court is guided by the factors presented in In re Dow Corning Corp., 208 B.R. 661, 664-65 (Bankr. E.D. Mich. 1997), and In re Express One Int'l, Inc. 194 B.R. 98, 100 (Bankr. E.D. Tex 1996). See Official Comm. of Unsecured Creditors v. Henry Mayo Newhall Mem'l Hosp. (In re Henry Mayo Newhall Mem'l Hosp.), 282 B.R. 444, 452 (B.A.P. 9th Cir. 2002) (citing Dow Corning/Express One factors as "standardly considered"). These factors include:

- (a) the size and complexity of the case,
- (b) the necessity of sufficient time to negotiate and prepare adequate information,
- (c) the existence of good faith progress toward reorganization,
- (d) whether the debtor is paying its debts as they come due,
- (e) whether the debtor has demonstrated reasonable prospects for filing a viable plan,
- (f) whether the debtor has made progress in negotiating with creditors,
- (g) the length of time the case has been pending,
- (h) whether the debtor is seeking the extension to pressure creditors, and
- (i) whether unresolved contingencies exist.

Express One, 194 B.R. at 100; Dow Corning Corp., 208 B.R. at 664-65.

Here, Debtor's bankruptcy case involves numerous real property assets and a disputed judgment lien held by Gary J. Reinero, which was recorded within 90 days of Debtor's bankruptcy filing. Decl. of Clifford Caton, Doc. #169. Debtor is challenging both Mr. Reinero's underlying judgment through a pending appeal and the recording of the judgment lien as a potentially avoidable transfer. Id. Debtor's plan proposes to pay all creditors in full, and resolution of the outstanding issues with respect to Mr. Reinero is integral to confirming Debtor's plan. Id. Debtor needs additional time to complete approval of the disclosure statement and to complete the plan confirmation process in an orderly manner. Id. Debtor believes extending the Exclusive Period is in the best interests of all creditors because the requested extension preserves an orderly path to confirmation of a plan of reorganization that pays all creditors in full and avoids the disruption of competing plans. Id.

The court finds cause exists to extend the Exclusive Period to and including January 31, 2027. Debtor timely filed his plan and disclosure statement and is diligently prosecuting his bankruptcy case toward approval of the disclosure statement, solicitation of acceptances, and confirmation of a plan that will pay all creditors in full. Debtor is in the process of negotiating with creditors a few changes to be included in a revised disclosure statement and needs additional time to complete that process. In addition, no party has opposed the motion.

Accordingly, the motion is GRANTED. The deadline for Debtor's exclusive right to obtain acceptances of his chapter 11 plan is extended to and including January 31, 2027.

12. [26-10469](#)-A-12 **IN RE: MCCALL'S NURSERIES, INC.**
[WJH-14](#)

MOTION TO EXTEND TIME TO ASSUME OR REJECT LEASES
8-28-2026 [[166](#)]

MCCALL'S NURSERIES, INC./MV
RILEY WALTER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

Debtor in possession McCall's Nurseries, Inc. ("DIP") moves pursuant to 11 U.S.C. § 365(d)(4) to extend for an additional 34 days, to October 5, 2026, the time to assume or reject a nonresidential real property lease ("Lease") with Steven and Linda McCall (together "Lessors"). Doc. #166. The property subject to the Lease is a 21.99-acre parcel of real property ("Leased Tract"). Decl. of Steven McCall, Doc. #169. Debtor also owns a 35.66-acre parcel of nonresidential real property ("Owned Tract"). Id. On June 1, 2026, the court previously extended the deadline for DIP to assume or reject the Lease by 90 days to September 1, 2026, pursuant to 11 U.S.C. § 365(d)(4)(B)(i). Order, Doc. #132.

Pursuant to 11 U.S.C. § 365(d)(4), a debtor must assume or reject an unexpired lease in nonresidential real property under which the debtor is the lessee within 120 days after the voluntary petition is filed unless the court extends the time for cause. 11 U.S.C. § 365(d)(4)(A). The court may extend the 120-day period for up to 90 additional days if a motion is filed prior to the expiration of the 120-day period. 11 U.S.C. § 365(d)(4)(B).

Pursuant to 11 U.S.C. § 365(d)(4)(B)(ii), "[i]f the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance." While there is no written consent filed, DIP has included the consent of the Lessors through the declaration of Steven McCall, who is the CEO of DIP. McCall Decl., Doc. #169.

Accordingly, pending opposition being raised at the hearing, this motion will be GRANTED.

13. [26-10469](#)-A-12 **IN RE: MCCALL'S NURSERIES, INC.**
[WJH-6](#)

FURTHER HEARING RE: MOTION TO USE CASH COLLATERAL
4-8-2026 [\[87\]](#)

MCCALL'S NURSERIES, INC./MV
RILEY WALTER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted on an interim basis through December 18, 2026;
continued hearing to be held on December 10, 2026 at
9:30 a.m.

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 on an interim basis through December 18, 2026. 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.

McCall's Nurseries, Inc. ("Debtor" or "DIP"), the chapter 12 debtor and debtor-in-possession, moves the court for an order authorizing DIP to use the cash collateral, to the extent that the liens are valid, of secured creditors: ODK Capital, LLC and On Deck Capital, Inc. (together, the "On Deck Lenders"); BizFund, LLC; Funding Futures, LLC; Square Funding Cali, LLC; Thoro Corp.; Valinor Capital; Forward Funding LLC; and CT Corporation System, as Representative ("CT Corp") (collectively and with the On Deck Lenders, "Creditors"). Doc. #87. Creditors have asserted some interest in Debtor's cash collateral. Decl. of Steven W. McCall, Doc. #90. Creditors may or may not have a perfected security interest in cash collateral of Debtor as of the time this motion was filed. Id.

Pursuant to 11 U.S.C. § 363, a debtor in possession can use property of the estate that is cash collateral by obtaining either the consent of each entity that has an interest in such cash collateral or court authorization after notice and a hearing. 11 U.S.C. § 363(c)(2). "The primary concern of the court in determining whether cash collateral may be used is whether the secured creditors are adequately protected." In re Plaza Family P'ship, 95 B.R. 166, 171 (E.D. Cal. 1989) (citing 11 U.S.C. § 363(e)). Pursuant to 11 U.S.C. § 363(p), DIP carries the burden of proof on the issue of adequate protection. Bankruptcy Code § 1205(b) requires DIP to provide adequate protection to the secured creditors for DIP's use of cash collateral for any decrease in the value of the secured creditors' interest in the accounts receivable due to DIP's use of cash collateral.

DIP seeks court authorization to use Creditors' cash collateral to pay expenses incurred by DIP in the normal course of its business. Ex. A, Doc. #175. As adequate protection for DIP's use of Creditors' cash collateral, DIP will grant Creditors replacement liens on collateral of a like kind. McCall Decl., Doc. #90.

Debtor contests that Creditors hold valid security interests in Debtor's cash collateral. Further, permitting Debtor's use of cash collateral now will permit Debtor to continue to grow its nursery plants and generate accounts receivable from the sales of those plants. Based on the budget attached to the notice filed and served on September 9, 2026, DIP's use of cash collateral will generate less income than the cash collateral to be used through December 18, 2026. Ex. A, Doc. #175. However, DIP's largest volume of sales historically come in March, April and May. McCall Decl., Doc. #90. DIP is rolling over a significant amount of cash collateral such that by December 18, 2026, DIP still projects positive cash flow from its use of Creditors' cash collateral. Ex. A, Doc. #175. Moreover, DIP needs to use the cash collateral to continue its post-petition business operations. McCall Decl., Doc. #90.

Accordingly, subject to opposition being raised at the hearing, the motion will be GRANTED to authorize Debtor's interim use of cash collateral for the period September 29, 2026 through December 18, 2026, consistent with the budget attached as Exhibit A to Doc. #175. The court will continue the hearing on the motion to December 10, 2026 at 9:30 a.m., with supplemental pleadings to be filed and served no later than November 25, 2026, to permit Debtor's use of cash collateral beyond December 18, 2026 should Debtor not have a confirmed chapter 12 plan by that date.

14. [24-13373](#)-A-11 **IN RE: HILLER AIRCRAFT CORPORATION**
[YW-8](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF YOUNG WOOLDRIDGE FOR
LEONARD K. WELSH, DEBTORS ATTORNEY(S)
8-24-2026 [\[194\]](#)

LEONARD WELSH/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for improper notice.

The notice of hearing filed in connection with this motion does not comply with Local Rule of Practice 9014-1(d)(3)(B)(i), which requires the notice to advise respondents when written opposition must be filed and the deadline for filing and serving it. Here, the notice of hearing states that written opposition must be filed timely but does not state the deadline by which written opposition, if any, shall be served and filed with the court.

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>.

MOTION TO VACATE DISMISSAL OF CASE
9-4-2026 [\[12\]](#)

SAACHA SPADE/MV
DISMISSED 09/01/2026

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted only if record properly supplemented at the hearing.

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 by this court's order that permits opposition to be raised at the hearing. Order, Doc. #17. Unless the debtor appears at the hearing and supplements the record, the court intends to deny the motion. If the debtor adequately supplements the record at the hearing, and 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 a further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Saacha Spade ("Debtor") moves the court to vacate the order dismissing Debtor's chapter 11 case. Doc. #12. Debtor's bankruptcy case was dismissed on September 1, 2026 after Debtor's failure to file documents timely. Doc. #10.

Debtor filed her chapter 11 bankruptcy petition on August 21, 2026. Doc. #1. Debtor was not represented by an attorney, and Debtor's chapter 11 petition was incomplete. Specifically, Debtor was to file her Statement of SSN and Verification and Master Address List by August 28, 2026, and a Statement of Monthly Income, List of 20 Largest Unsecured Creditors, Schedules A-J, Statement of Financial Affairs, and Summary of Assets and Liabilities by September 4, 2026. Doc. #2. A copy of the Notice of Intent to Dismiss Case if Documents are Not Timely Filed providing for dismissal of Debtor's bankruptcy case if the missing documents were not received by the bankruptcy clerk's office by August 28, 2026 and September 4, 2026, respectively ("Notice"), was returned to Debtor via hand delivery on August 21, 2026. See court docket entry for Doc. #2 entered on August 21, 2026.

Debtor failed to file her Statement of SSN by August 28, 2026, and mistakenly filed her Verification and Master Address List on August 28, 2026, in Case No. 26-12254, a prior chapter 11 case filed by Debtor that was dismissed on July 8, 2026 ("Prior Case"). Doc. #12.

On September 4, 2026, Debtor filed her Statement of SSN and Verification and Master Address List in the Current Case along with a motion to vacate the dismissal of the Current Case. Doc. ##12-15. A review of the bankruptcy court docket shows that Debtor has still not filed her Statement of Monthly Income, List of 20 Largest Unsecured Creditors, Schedules A-J, Statement of Financial Affairs, and Summary of Assets and Liabilities in the Current Case.

Debtor moves under Federal Rule of Civil Procedure ("Rule") 60(b), incorporated to this proceeding by Federal Rule of Bankruptcy Procedure 9024, to vacate the dismissal of his bankruptcy case. Rule 60(b)(1) permits the court to grant

relief from a final order for, *inter alia*, mistake, inadvertence, surprise, excusable neglect, or any other reason that justifies relief. Rule 60(b)(1); Doc. #12. A motion to reconsider an order is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." Kona Enters. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000); see also Berman v. Freedom Fin. Network, LLC, 30 F.4th 849, 859 (9th Cir. 2022) (applying the standard to Rule 60(b)).

The court will deny Debtor's motion to vacate the dismissal under Rule 60(b)(1) for failure to show excusable neglect unless Debtor adequately supplements the record at the September 23 hearing to support Debtor's request to vacate the dismissal of the Current Case. In her motion to vacate dismissal, Debtor states that the failure to timely file the creditor matrix was inadvertent and not the result of bad faith, willful disregard of the court's rules, or an intent to delay creditors. However, Debtor's motion does not address Debtor's failure to timely file her Statement of SSN in the Current Case, which is especially concerning to the court because Debtor timely filed her Statement of SSN in the Prior Case. In addition, Debtor asserts that she desires to proceed in good faith with this chapter 11 case and comply with all requirements imposed by the court and the United States Trustee. However, based on Debtor's actions in the Current Case, which mirror the actions in the Prior Case that also led to dismissal, the court questions Debtor's assertion of her desire to proceed in good faith with the Current Case if the court vacates dismissal of the Current Case.

On September 8, 2026, the court issued an order setting a hearing on this motion to vacate the dismissal to consider whether to grant the motion. Order, Doc. #17. To date, the court does not find that Debtor's failure to timely file the Statement of SSN is due to mistake, inadvertence, surprise, or excusable neglect. Based on the evidence before the court, this motion to vacate should be denied.

At the hearing to be held on September 23, 2026, the court will permit Debtor to supplement the record to support Debtor's request to vacate the dismissal of the Current Case. The court will also consider any opposition to granting the motion that is raised at the hearing.

Accordingly, if Debtor fails to appear at the hearing or fails to adequately supplement the record, this motion will be DENIED, and the order filed on September 1, 2026 dismissing Debtor's bankruptcy case will not be vacated.

1. [26-12810](#)-A-7 **IN RE: JORGE ALVARADO**

PRO SE REAFFIRMATION AGREEMENT WITH FREEDOM MORTGAGE CORPORATION
8-31-2026 [\[18\]](#)

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

DISPOSITION: Dropped.

ORDER: The court will issue an order.

This matter is dropped from calendar. This matter was automatically set for a hearing because the reaffirmation agreement is not signed by an attorney. However, this reaffirmation agreement appears to relate to a consumer debt secured by real property. Pursuant to 11 U.S.C. § 524(c)(6)(B), the court is not required to hold a hearing and approve this agreement. The court will issue an order.

2. [26-13068](#)-A-7 **IN RE: ASHELY JONES**

PRO SE REAFFIRMATION AGREEMENT WITH ALLY BANK
8-19-2026 [\[15\]](#)

NO RULING.

3. [26-13169](#)-A-7 **IN RE: DELIA LOPEZ**

PRO SE REAFFIRMATION AGREEMENT WITH FIFTH THIRD BANK, NATIONAL ASSOCIATION
8-19-2026 [\[21\]](#)

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

DISPOSITION: Dropped.

ORDER: The court will issue an order.

This matter is dropped from calendar. This matter was automatically set for a hearing because the reaffirmation agreement is not signed by an attorney. However, this reaffirmation agreement appears to relate to a consumer debt secured by real property. Pursuant to 11 U.S.C. § 524(c)(6)(B), the court is not required to hold a hearing and approve this agreement. The court will issue an order.

1. [26-12902](#)-A-7 **IN RE: TABITHA SPICKNALL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-26-2026 [[24](#)]

JEFFREY ROWE/ATTY. FOR DBT.

NO RULING.

2. [26-12902](#)-A-7 **IN RE: TABITHA SPICKNALL**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-12-2026 [[16](#)]

HARLEY-DAVIDSON/MV
JEFFREY ROWE/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted only if filing fee paid prior to hearing;
otherwise, motion will be denied or continued.

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 if the motion is granted. If the motion is denied or continued, the court will issue an order after the hearing.

As an initial procedural matter, the filing fee for this type of motion has not been paid. See Doc. #22. This motion will be heard if the filing fee due upon the filing of a motion for relief from the automatic stay has been paid prior to the hearing. If the required filing fee has not been paid, the court will either deny the motion or consider continuing the hearing on this motion to permit the filing fee to be paid.

Assuming that the filing fee has been paid prior to the hearing on this motion, this motion will be granted. This motion was set for hearing on at least 28 days' notice prior to the hearing date as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Derham-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, 917-18 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Harley-Davidson ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2024 Harley-Davidson FLHX Street Glide, VIN: 1HD1KB728RB641298 ("Vehicle"). Doc. #16.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtors do not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least four pre- and post-petition payments. Decl. of Jenifer Ford, Doc. #19. Movant has produced evidence that the debtor is delinquent by at least \$2,599.72. Id.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. Doc. #16; Ford Decl., Doc. #19. The Vehicle is valued at \$24,555.00 and the debtor owes \$31,425.27. Id.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) 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.

3. [26-13006](#)-A-7 **IN RE: MARIA DE JESUS AGUILAR**
[RH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-18-2026 [\[15\]](#)

SANTANDER BANK, N.A./MV
MARK ZIMMERMAN/ATTY. FOR DBT.
ROSEMARY HONG/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 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. Derham-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, 917-18 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Santander Bank, N.A., as servicer for Santander Consumer USA Inc., its assignees and/or successors ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2018 Chevrolet Silverado 1500, VIN: 3GCUCRER9JG342130 ("Vehicle"). Doc. #15.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtors do not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least ten complete pre-petition payments. Decl. of Christopher Little, Doc. #18. Movant has produced evidence that the debtor is delinquent by at least \$13,892.64, including late fees of \$5,845.28. Id. In addition, the Vehicle was impounded and secured by Movant pre-petition. Id. The debtor does not include the Vehicle in her schedule of assets. Schedule A/B, Doc. #1.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. Little Decl., Doc. #18. The Vehicle is valued at \$19,725.00 and the debtor owes \$29,633.75. Id.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because debtor has failed to make at least ten pre-petition payments to Movant, Movant secured the Vehicle pre-petition, and the Vehicle is a depreciating asset.

4. [26-13306](#)-A-7 **IN RE: MYRICA SMITH**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-13-2026 [\[22\]](#)

GLOBAL LENDING SERVICES LLC/MV
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion is DENIED WITHOUT PREJUDICE for failure to comply with this court's local rules.

The certificate of service showing that the motion and supporting documents were served on all parties in interest (Doc. #27) does not comply with Local Rule of Practice ("LBR") 9004-1(c), which requires that all certifications shall be signed by the person offering the evidentiary material contained in the document. Specifically, LBR 9004-1(c)(1)(B) states that signatures of persons other than the registered user may be indicated "[t]hrough the use of '/s/Name' or a software-generated electronic signature in the signature block where signatures would otherwise appear." Here, the name of the person signing the certificate of service was not indicated above the "Print Name" line and was not typed on the "Signature" line with the "/s/" before the name, which deems notice of the motion improper. Therefore, this motion is denied without prejudice.

5. [23-10911](#)-A-7 **IN RE: DAVID GARCIA**
[BLF-5](#)

MOTION TO SUBSTITUTE ATTORNEY
8-25-2026 [\[48\]](#)

IRMA EDMONDS/MV
PETER BUNTING/ATTY. FOR DBT.
LORIS BAKKEN/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 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. Derham-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, 917-18 (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.

Loris L. Bakken ("Movant"), counsel for chapter 7 trustee Irma C. Edmonds ("Trustee"), moves to withdraw as Trustee's attorney of record in the bankruptcy case of David Castillo Garcia, Jr. ("Debtor"). Doc. #48. Movant's withdrawal will leave Trustee unrepresented by counsel in this bankruptcy case.

LBR 2017-1(e) states that "an attorney who has appeared may not withdraw leaving the client *in propria persona* without leave of court upon noticed motion and notice to the client and all other parties who have appeared." The local rule goes on to require the attorney seeking withdrawal to "provide an affidavit stating the current or last known address" of the client and "the efforts made to notify the client of the motion to withdraw." LBR 2017-1(e). Withdrawal is governed by the California Rules of Professional Conduct. Id.

Movant has conformed with the Local Rules of Practice. Movant testifies as to Trustee's current or last known address and explains that Trustee's address is provided in the signed substitution of attorney form provided as Exhibit A. Decl. of Loris L. Bakken, Doc. #51; Ex. A, Doc. #50. Trustee supports this motion being granted. Decl. of Irma C. Edmonds, Doc. #52. The certificate of service filed with this motion shows that Trustee received notice via electronic mail and U.S. mail. Doc. #53. Service also was made upon creditors, Debtor, Debtor's counsel, and the United States trustee. Doc. #53.

Pursuant to California Rules of Professional Conduct Rule 1.16, formerly Rule 3-700, a lawyer may withdraw from representing a client if the client breaches a material term of an agreement with the lawyer and the lawyer has given the client reasonable warning of withdrawal, if a continuation of the representation is likely to result in a violation of the rules, if the client renders it unreasonably difficult for the lawyer to carry out the representation effectively, or if other good cause for withdrawal exists. Rules Prof. Conduct 1.16(b), <https://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Rules/Rules-of-Professional-Conduct/Current-Rules>.

Movant submits that on July 7, 2025, Movant's husband passed away unexpectedly, which resulted in Movant immediately contacting Trustee to explain that Movant would not be able to handle any legal matters in the immediate future. Bakken Decl., Doc. #51. Because Debtor's case required immediate attention as it pertained to an ongoing and related probate case, Movant requested Trustee to substitute as replacement counsel as soon as possible and noted that Movant would waive her fees and costs. Id. Trustee agreed to this substitution. Id.; Edmonds Decl., Doc. #52. In April 2026, Movant conducted a review of her remaining active cases and discovered Movant is still listed as counsel of record for Trustee in Debtor's case. Bakken Decl., Doc. #51. Movant contacted Trustee to determine who Trustee has retained as new counsel to allow Movant to prepare a substitution of attorney, but Trustee stated she has been representing herself and would rather substitute in pro se. Id.; Edmonds Decl., Doc. #52. Trustee and Movant have executed a substitution of attorney requesting Trustee to be authorized to substitute in pro se in place and stead of Movant. Id.; Ex. A, Doc. #50.

Further, it appears Movant intends to comply with California Rule of Professional Conduct 1.16(e), which requires Movant to turn over any client materials and refund any part of a fee or expense paid in advance that the lawyer has not earned or incurred because Movant waived her fees and costs in exchange for Trustee's immediate substitution. Bakken Decl., Doc. #51. It appears that Movant's withdrawal will cause no undue prejudice to Trustee or Debtor's estate and Movant has demonstrated cause for withdrawal.

Accordingly, this motion is GRANTED.

MOTION TO SELL AND/OR MOTION FOR COMPENSATION FOR KELLER WILLIAMS REALTY,
BROKER(S)
8-17-2026 [\[127\]](#)

IRMA EDMONDS/MV
YASHA RAHIMZADEH/ATTY. FOR DBT.
GABRIEL HERRERA/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled for higher and
better offers.

DISPOSITION: Granted if record adequately supplemented.

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 set for hearing on at least 28 days' notice 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). Therefore, the defaults of the above-mentioned parties in interest are entered. This matter will proceed as scheduled to permit the trustee to supplement the record and for higher and better offers.

Irma Edmonds ("Trustee"), the chapter 7 trustee of the bankruptcy estate of Manuel Mendoza ("Debtor"), moves the court pursuant to 11 U.S.C. § 363 for an order authorizing the sale of 97 acres of vacant real property known as APNs 088-070-077-000 and 088-070-063, Los Banos, California 93635 (together, the "Property") to Andre Soares Trust and Artadi Shapero Family Trust or their nominee (collectively, "Buyers") for the purchase price of \$389,500.00, subject to higher and better offers at the hearing. Doc. #127. Trustee also seeks authorization to pay a commission for the sale to Keller Williams Realty ("Broker"). Id.

Selling Property of Estate under 11 U.S.C. § 363(b)(1) Permitted

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, n.20 (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, n.31 (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, n.32 (quoting In re Psychometric Sys., Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007)).

Trustee believes approval of the sale on the terms set forth in the motion is in the best interests of creditors and the estate. Doc. #127. Debtor filed a chapter 13 bankruptcy case on March 26, 2025, that was converted to chapter 7 on January 29, 2026. Petition, Doc. #1; Order, Doc. #95. While Debtor valued the Property in the aggregate amount of \$679,000.00, Trustee listed the Property at \$469,000.00. Trustee Decl., Doc. #129; Am. Schedule A/B, Doc. #26. Trustee Decl., Doc. #129. Broker has diligently marketed the Property, and Buyers provided the highest and best offer for the Property in the amount of \$389,500.00, which Trustee has accepted conditioned upon the court's approval and better and higher offers at the hearing. Id. The sale is "as is, where is" with no warranties or representations of any nature. Id. Trustee expects to pay a \$23,370.00 commission to Broker and expects a net return to the estate in the amount of \$150,000.00. Id.

The court requires one clarification on the record before this motion can be granted. The Property is encumbered by two liens in favor of Richard Wysong II (together, the "Liens") in the aggregate amount of \$200,000.00. Schedule D, Doc. #1. It appears from Trustee's calculation of the net proceeds of sale that Trustee will satisfy the Liens through escrow, although that is not specifically indicated in the moving papers. Trustee must clarify on the record at the hearing that Trustee intends to satisfy the Liens in full from the sale of the Property.

Accordingly, subject to Trustee adequately supplementing the record at the hearing and subject to overbid offers made at the hearing, the court will GRANT Trustee's motion and authorize the sale of the Property to Buyers or the highest bidder pursuant to 11 U.S.C. § 363(b)(1). The motion does not specifically request, nor will the court authorize, the sale free and clear of any liens or interests.

Compensation to Broker

Trustee also seeks authorization to pay Broker a commission for the sale of the Property. This court has determined that employment of Broker is in the best interests of the estate and has previously authorized a percentage commission payment structure pursuant to 11 U.S.C. § 328. Order, Doc. #124.

Trustee seeks to pay Broker a 6% commission on the sale of the Property as the real estate broker for the sale of the Property for Broker's efforts to market and sell the Property. Trustee Decl., Doc. #129; Decl. of Paul Boudier, Doc. #130. Trustee estimates that Broker's commission for the sale of the Property will equal \$23,370.00. Id. The court finds the compensation sought is reasonable, actual, and necessary.

Conclusion

Accordingly, subject to Trustee adequately supplementing the record at the hearing and to overbid offers made at the hearing, the court will GRANT Trustee's motion and authorize the sale of the Property pursuant to 11 U.S.C. § 363(b)(1). Trustee is authorized to pay Broker for services as set forth in the motion.

AMENDED MOTION FOR LEAVE TO FILE A LATE OBJECTION
7-24-2026 [\[114\]](#)

ISMAEL LOPEZ/MV
PETER BUNTING/ATTY. FOR DBT.
STUART BROWN/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed 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 chapter 7 trustee ("Trustee") timely filed a reply to the motion on August 11, 2026. Doc. #120. 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). Therefore, the defaults of the non-responding parties in interest are entered.

As a procedural matter, the moving papers and related certificates of service (Doc. ##108, 114, 115, 122) do not comply with LBR 9004-1(c), which requires that all certifications shall be signed by the person offering the evidentiary material contained in the document. Specifically, LBR 9004-1(c)(1)(B) states that signatures of persons other than the registered user may be indicated "[t]hrough the use of '/s/Name' or a software-generated electronic signature in the signature block where signatures would otherwise appear." Here, the moving papers and related certificate of service are signed using only "/s".

As a further procedural matter, the exhibits filed in connection with this motion do not comply with LBR 9004-2(c)(1) and (d)(1), which require motions, declarations and exhibits to be filed as separate documents. Here, the moving papers were filed as a single document. E.g., Doc. #108.

The court encourages counsel to review the local rules to ensure compliance in future matters or pleadings filed in those matters may not be considered 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>.

Ismael Lopez, Sr. ("Creditor"), the creditor in the bankruptcy estate of Gerardo Clavel Cartagena ("Debtor"), moves the court pursuant to Federal Rule of Bankruptcy Procedure ("Rule") 9006(b)(1), for an order extending time to file an objection to the payment of unsecured claims by the chapter 7 trustee Jeffrey M. Vetter ("Trustee"). Doc. ##108, 114.

Rule 9006(b)(1) provides in relevant part that "when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may . . . order the period enlarged if the request therefor is made before the expiration of the period originally prescribed." Fed. R. Bankr. P. 9006(b)(1).

Pre-petition, Creditor obtained a personal injury judgment against Debtor in Monterey Superior Court. Decl. of S. Collin Brown, Doc. #108. In addition, the Monterey Superior Court issued an Order for Examination on July 8, 2024 ("Order of Examination"). Id.; Ex. A, Doc. #108. Due to the pre-petition service of the Order of Examination, an ORAP lien was established pursuant to California Code of Civil Procedure § 708.110. Brown Decl., Doc. #108; Ex. B, Doc. #108. Debtor filed this bankruptcy petition on January 30, 2025. During Debtor's bankruptcy case, various equipment was sold by Trustee. Brown Decl., Doc. #108. Creditor asserts all funds in Trustee's possession were and are subject to an ORAP lien arising out of the prepetition Order of Examination because the funds held by Trustee in this case resulted from the sale of equipment or from accounts receivable and should first be applied to pay Creditor's debt prior to any payment of unsecured creditors. Id.

Creditor's counsel ("Counsel") asserts he would have filed this motion sooner, but Counsel suddenly fell ill and was effectively disabled for a few days. Brown Decl., Doc. #108; Ex. C, Doc. #108. Counsel requests leave of court to file and set for hearing a late-filed objection to Trustee's final account based on excusable neglect due to Counsel's sudden illness. Doc. #114. Trustee filed a reply to Creditor's motion agreeing with the merits of the motion in that an ORAP lien was created on Debtor's assets that was not detected by Trustee when Trustee conducted his claims analysis. Doc. #120. Trustee states there is approximately \$19,000.00 in funds still on hand that were to be directed to priority unsecured claims. Id. Trustee believes the easiest way to resolve Creditor's objection would be to authorize Trustee's distribution of the \$19,000.00 in funds on hand to Creditor. Id.

Accordingly, the court finds cause exists to grant Creditor's extension of time to file a late objection to Trustee's final account, and the motion will be GRANTED. The court is not resolving Creditor's objection to Trustee's final account.

8. [26-13543](#)-A-7 **IN RE: MARTIN VALDOVINOS OROZCO AND IRENE VALDOVINOS**
[RH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-7-2026 [\[11\]](#)

BMW BANK OF NORTH AMERICA/MV
ALIA KHAN/ATTY. FOR DBT.
ROSEMARY HONG/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 debtors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Derham-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, 917-18 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, BMW Bank of North America ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2019 BMW 5 Series 530i Sedan 4D, VIN: WBAJA5C55KWW14397 ("Vehicle"). Doc. #11.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtors do not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtors have failed to make at least eight complete pre-petition payments. Decl. of Christopher Dick, Doc. #14. Movant has produced evidence that the debtors are delinquent by at least \$6,124.15. Id. The Vehicle was repossessed pre-petition. Statement of Financial Affairs, Doc. #1.

The court also finds that the debtors do not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtors are in chapter 7. Dick Decl., Doc. #14. The Vehicle is valued at \$14,020.00 and the debtors owe \$20,406.04. Id.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because debtors have failed to make at least eight pre-petition payments to Movant, the Vehicle was repossessed pre-petition, and the Vehicle is a depreciating asset.

9. [26-12346](#)-A-7 **IN RE: JOSE/ANGELA MORENO**

MOTION TO VACATE DISMISSAL OF CASE
8-17-2026 [\[28\]](#)

ANGELA MORENO/MV
DISMISSED 08/13/2026

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 certificate of service filed with the court showing when the motion was served. Therefore, the motion does not comply with Local Rule of Practice ("LBR") 9014-1(e)(3), which requires proof of service of all pleadings be filed with the court not more than three (3) days after the pleading is filed with the court. Because there is no certificate of service filed with the motion (Doc. #28), the court cannot determine whether parties were served properly.

As a procedural matter, the notice of hearing filed with the motion fails to indicate whether the motion was served pursuant to LBR 9014-1(f)(1) or 9014-1(f)(2) and whether written opposition was required. The moving party needs to state in the notice of hearing whether the motion is being set for hearing pursuant to LBR 9014-1(f)(1) or 9014-1(f)(2) and include the applicable opposition requirements for only one of those rules. The notice of hearing also does not state, if written opposition was required, (a) that such opposition must be filed and served within fourteen (14) days prior to the hearing, (b) the names and addresses of the parties on whom the written opposition must be served, and (c) that failure to file a timely written response may result in the court granting the motion prior to the hearing.

As a further procedural matter, the motion does not comply with LBR 9004-2(c)(1), which requires the notice of hearing and declaration to be filed as separate documents. Here, the notice of hearing and declaration were filed as a single three-page document. E.g., Doc. #31.

As a further procedural matter, the motion and supporting papers do not comply with LBR 9014-1(c). "In motions filed in the bankruptcy case, a Docket Control Number (designated as DCN) shall be included by all parties immediately below the case number on all pleadings and other documents, including proofs of service, filed in support of or opposition to motions." LBR 9014-1(c)(1). "Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice and stipulations resolving that motion, shall include the same number." LBR 9014-1(c)(4). See LBR 9004-2(b)(6). Here, no DCN was assigned to the moving papers.

Even though the debtors are representing themselves in this bankruptcy case, the debtors are still required to comply with procedural requirements. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), overruled on other grounds, Lacey v. Maricopa Cty., 693 F.3d 896 (9th Cir. 2012) (en banc) ("Pro se litigants must follow the same rules of procedure that govern other litigants."). The court encourages the debtors to review the local rules to ensure compliance in future matters or those matters also 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>.

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-25-2026 [\[21\]](#)

SANTANDER BANK, N.A./MV
ROSEMARY HONG/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 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. Derham-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, 917-18 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Santander Bank, N.A., as servicer for Santander Consumer USA Inc., its assignees and/or successors ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2021 Tesla Model 3, VIN: 5YJ3E1EA5MF938587 ("Vehicle"). Doc. #21. In addition, Movant seeks retroactive relief from stay to permit its repossession of the Vehicle on the same day the debtor filed his bankruptcy case. Id.

11 U.S.C. § 362(d)(1) Analysis

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least four complete pre-petition payments. Decl. of Stephanie McLaughlin, Doc. #25. Movant has produced evidence that the debtor is delinquent by at least \$5,449.76, including late fees of \$538.42. Id. According to the debtor's Statement of Intention, the Vehicle will be surrendered. Doc. #1. Movant repossessed the Vehicle the same day the debtor filed this bankruptcy case and before Movant knew that this bankruptcy case had been filed. McLaughlin Decl., Doc. #25.

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11 U.S.C. § 362(d) (2) Analysis

11 U.S.C. § 362(d) (2) allows the court to grant relief from the stay if the debtors do not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. McLaughlin Decl., Doc. #25. The Vehicle is valued at \$22,725.00 and the debtor owes \$39,185.43. Id.

Retroactive Annulment of the Automatic Stay

A request for retroactive relief from the automatic stay should be granted sparingly and should be the long-odds exception not the general rule. Garcia v. Sklar (In re Sklar), 626 B.R. 750, 763 (Bankr. S.D.N.Y. 2021). When deciding whether to retroactively annul the automatic stay, the court should consider the following twelve factors, known as the Fjeldsted factors:

- (1) the number of bankruptcy filings;
- (2) whether, in a repeat filing case, the circumstances indicate an intent to delay and hinder creditors;
- (3) a weighing of the extent of prejudice to creditors or third parties if the stay relief is not made retroactive, including whether harm exists to a bona fide purchaser;
- (4) the debtor's overall good faith (totality of circumstances test);
- (5) whether the creditor knew of the stay but nonetheless took action, thus compounding the problem;
- (6) whether the debtor has complied, and is otherwise complying, with the Bankruptcy Code and Rules;
- (7) the relative ease of restoring the parties to the *status quo ante*;
- (8) the costs of annulment to the debtor and the creditor;
- (9) how quickly the creditor moved for annulment, or how quickly the debtor moved to set aside the sale or violative conduct;
- (10) whether, after learning of the bankruptcy, the creditor proceeded to take steps in continued violation of the stay, or whether the creditor moved expeditiously to gain relief from the stay;
- (11) whether annulment of the stay will cause irreparable injury to the debtor; and
- (12) whether stay relief will promote judicial economy or other efficiencies.

Fjeldsted v. Lien (In re Fjeldsted), 293 B.R. 12, 24-25 (B.A.P. 9th Cir. 2003). A single Fjeldsted factor may be of such import that it is dispositive on the issue. Id.

With respect to Fjeldsted factors 1 and 2, this is the debtor's first bankruptcy case. Factors 1 and 2 weigh in favor of the debtor.

Fjeldsted factors 4, 6, and 11 focus on the debtor and the debtor's actions. While it appears that the debtor filed, and is proceeding with, this bankruptcy case in good faith, retroactive annulment of the automatic stay to permit the repossession of the Vehicle on the same day the debtor's bankruptcy case was filed will not cause irreparable injury to the debtor because the debtor intends to surrender the Vehicle to Movant. Doc. #1. While factors 4 and 6, weigh in favor of the debtor, factor 11 strongly weighs in favor of Movant.

Fjeldsted factors 3, 5, and 10 focus on Movant and Movant's actions. The court finds there is no meaningful prejudice to creditors if retroactive annulment is granted because there is no equity in the Vehicle. Further, Movant had no notice of the debtor's bankruptcy case when it repossessed the Vehicle on the same day the debtor filed his bankruptcy petition. McLaughlin Decl., Doc. #25. Further, Movant filed this motion for relief from stay shortly after the debtor filed his bankruptcy case. Factors 3, 5, and 10 each weigh in favor of Movant.

Fjeldsted factors 7, 8, and 9 focus on both the debtor and Movant. While it would be relatively easy to restore the Vehicle to the debtor, the debtor intends to surrender the Vehicle to Movant. Doc. #1. The cost of denying annulment is significantly greater than granting the relief requested because Movant would need to incur more costs returning the Vehicle and then repossessing it. The court finds Movant acted diligently and immediately upon learning of the debtor's bankruptcy by promptly seeking relief from the automatic stay. Factors 7, 8, and 9 weigh in favor of Movant.

Finally, Fjeldsted factor 12 looks to judicial interests. Here, retroactive annulment of the automatic stay will promote other efficiencies because the debtor intends to surrender the Vehicle to Movant, and Movant already has possession of the Vehicle. This factor weighs in favor of Movant.

Because most of the Fjeldsted factors weigh in favor of Movant, the court retroactively annuls the automatic stay to August 12, 2026, the date Debtor's bankruptcy case was filed.

Conclusion

Accordingly, the motion is granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. The court will further annul the automatic stay retroactively as of August 12, 2026 so as to validate any actions taken by Movant with respect to repossessing the Vehicle. Finally, the 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because debtor has failed to make at least four pre-petition payments to Movant, Movant has repossessed the Vehicle, the debtor intends to surrender the Vehicle to Movant, and the Vehicle is a depreciating asset. No other relief is awarded.

11. [26-12557](#)-A-7 **IN RE: ANNE STEPHENS**
[UST-1](#)

MOTION TO DISMISS CASE PURSUANT TO 11 U.S.C. SECTION 707(B)
8-5-2026 [\[16\]](#)

PETER ANDERSON/MV
D. GARDNER/ATTY. FOR DBT.
MICHAEL FLETCHER/ATTY. FOR MV.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

The motion was withdrawn by stipulation of the parties. Doc. #32.

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-21-2026 [\[17\]](#)

STRIKE ACCEPTANCE/MV
LAYNE HAYDEN/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted as to 11 U.S.C. § 362(d) (1) .

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 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). 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 movant has done here in part.

The movant, Strike Acceptance serviced by Peritus Portfolio Svcs. II, LLC, its assignees and/or successors ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d) (1) and (d) (2) with respect to a 2020 RAM ProMaster Cargo Van, VIN: 3C6TRVAG3LE114847 ("Vehicle"). Doc. #17.

11 U.S.C. § 362(d) (1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d) (2) allows the court to grant relief from the stay if the debtors do not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least three complete post-petition payments. Decl. of Gary Purdue, Doc. #19. Movant has produced evidence that the debtor is delinquent by at least \$1,596.84. Id. According to the debtor's Statement of Intention, the Vehicle will be surrendered. Doc. #1.

While the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7, based on Movant's evidence, the debtor has equity in the Vehicle. The Vehicle is valued at \$18,625.00 and the debtor owes \$17,659.73. Id.; Doc. #17.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d) (1) only and denied as to (d) (2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because debtor has failed to make at least three pre-petition payments to Movant and the Vehicle is a depreciating asset.

13. [26-12977](#)-A-7 **IN RE: LOVEPREET SINGH**
[RH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-7-2026 [\[13\]](#)

LAKEVIEW LOAN SERVICING, LLC/MV
PATRICK KAVANAGH/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted as to 11 U.S.C. § 362(d)(1).

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 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). 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 movant has done here in part.

The movant, Lakeview Loan Servicing, LLC by LoanCare, LLC as attorney in fact under a Limited Power of Attorney, its assignees and/or successors ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to real property located at 10916 Pasto Way, Bakersfield, California 93306-7118 ("Property"). Doc. #13.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985).

11 U.S.C. § 362(d)(2) allows the court to grant relief from the stay if the debtor does not have any equity in such property and such property is not necessary to an effective reorganization.

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least four complete pre- and post-petition payments. Decl. of Jacqueline VanDerMiller, Doc. #16. Movant has produced evidence that the debtor is delinquent by at least \$11,303.67. Id.

While the Property is not necessary to an effective reorganization because the debtor is in chapter 7, based on Movant's evidence, the debtor has equity in the Property. The debtor values the Property at \$435,000.00, and Movant is owed \$337,623.09. Schedule A/B, Doc. #1; VanDerMiller Decl., Doc. #16. While there

is a junior lien in the aggregate amount of \$87,998.00, the debtor still has equity in the Property. Schedule D, Doc. #1.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) only and denied as to (d)(2) to permit Movant to dispose of its collateral pursuant to applicable law and to use the proceeds from its disposition to satisfy its claim. No other relief is awarded.

The order shall also provide that the bankruptcy proceeding has been finalized for purposes of California Civil Code § 2923.5.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the debtor has failed to make at least four payments, both pre- and post-petition, to Movant.

14. [25-22383](#)-A-7 **IN RE: WAYNE/CHRISTINE PARKER**

CONTINUED OBJECTION TO HOMESTEAD EXEMPTION
6-11-2026 [[186](#)]

REDDING BUSINESS PARK LLC/MV
PATRICIA WILSON/ATTY. FOR DBT.
MIKEL RASTEGAR/ATTY. FOR MV.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

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

This objection was originally set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The objection was filed in response to amended Schedules A/B and C filed by Wayne Evan Parker and Christine Eve Parker (together, "Debtors"), the debtors in this chapter 7 bankruptcy case, on June 9, 2026. Doc. ##184, 186. This objection was initially set for hearing on August 26, 2026 and was continued to September 23, 2026 to allow the debtors an opportunity to oppose the objection on a substantive basis. Order, Doc. #227.

By the objection, Redding Business Park, LLC ("Creditor") objects to a homestead exemption under California Code of Civil Procedure ("C.C.P.") § 704.730 ("Objection") in the amount of \$540,198.00 in Debtors' real property located at 22533 Bridlewood Lane, Palo Cedro, California 96073, in Shasta County (the "Property"). Obj., Doc. ##186, 214, 221; see Am. Schedule A/B & C, Doc. #184.

Debtors filed their chapter 7 case on May 14, 2025. At the time of filing, C.C.P. § 704.730 provided that the amount of the homestead exemption is the greater of "[t]he countywide median sale price for a single-family home in the calendar year prior to the calendar year in which the judgment debtor claims the exemption, not to exceed" \$600,000, with a minimum of \$300,000. C.C.P. § 704.730.

"[T]he debtor, as the exemption claimant, bears the burden of proof which requires [him] to establish by a preponderance of the evidence that [the

property] claimed as exempt in Schedule C is exempt under California Code of Civil Procedure § [704.730] and the extent to which the exemption applies." In re Pashenee, 531 B.R. 834, 837 (Bankr. E.D. Cal. 2015); see Diaz v. Kosmala (In re Diaz), 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016) (concluding "that where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation.").

Creditor does not contest that the Property is Debtors' homestead. Rather, Creditor objects to Debtors' exemption amount of \$540,198.00 in the Property and the use of a single month to calculate the countywide median sale price, as stated on Debtors' amended Schedule C, instead of using the countywide median sale price for the entire calendar year prior to filing. Doc. ##186, 214, 221.

The proper method to calculate the countywide median sale price for a single-family home for purposes of determining the exemption amount permitted by C.C.P. § 704.730 is to (1) obtain the monthly median sale price for appropriate county for each month in the applicable year from the website of the California Association of Realtors, (2) sort the twelve monthly median sales prices from lowest to highest, (3) drop the five lowest prices and the five highest prices, and (4) average the remaining two prices. Through this calculation and based on the information provided in Creditor's Objection, the median sale price in 2025 for a single-family home in Shasta County is \$381,250.00. Doc. ##186, 214, 221; Decl. of Mikel Rastegarr, Doc. #22.

However, Debtors argue that Debtors did not amend their homestead exemption in the new amended Schedule C filed on June 9, 2026 and, therefore, a new objection period was never created. Doc. #232. The court agrees with Debtors under the controlling Ninth Circuit authority of Bernard v. Coyne (In re Bernard), 40 F.3d 1028, 1032 (9th Cir. 1994).

Federal Rule of Bankruptcy Procedure ("Rule") 1009(a) allows a debtor to amend a schedule "at any time before the case is closed." Fed. R. Bankr. P. 1009(a). Rule 4003(b)(1) allows a party in interest to object to a claimed exemption "within 30 days after the meeting of creditors is concluded or within 30 days after any amendment to the list or supplemental schedules is filed, whichever is later." Fed. R. Bankr. P. 4003(b)(1). A new 30-day objection period, therefore, does begin to run when the debtor amends his list of exempt property, "but only with respect to the exemptions added via the amendment." Bernard, 40 F.3d at 1032.

Here, Debtors claimed a \$540,198.00 homestead exemption in the Property in Debtors' initial Schedule C filed on May 14, 2025, and in every subsequently amended Schedule C. Doc. ##1, 21, 68, 70, 184. Creditor filed its proof of claim in Debtors' bankruptcy case on June 23, 2025. Claim 1. Debtors' § 341 meeting of creditors concluded on October 9, 2025, so the deadline to object to Debtors' claimed homestead exemption expired on November 10, 2025 pursuant to Rule 4003. See court docket entry entered on October 10, 2025. Because Debtors have not changed the claimed homestead exemption in the Property, under Bernard, the deadline to object to Debtors' claimed homestead exemption has not reopened with the subsequent filing of their amended Schedules C.

Accordingly, Creditor's objection to Debtors' claim of the homestead exemption in the Property is OVERRULED.

MOTION TO RECONSIDER
9-9-2026 [\[236\]](#)

CHRISTINE PARKER/MV
PATRICIA WILSON/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed 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). Redding Business Park, LLC ("Creditor") filed timely opposition. Doc. #241. 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.

Wayne Evan Parker and Christine Eve Parker (together, "Debtors"), request the court to reconsider the order denying Debtors' motion to strike the objection to exemptions ("Objection") filed by Redding Business Park, LLC ("Creditor") on June 11, 2026 to the amended Schedules A/B and C filed by Debtors on June 9, 2026 to the extent that this court determined that Debtors' amended Schedule C created a new 30-day period under Federal Rule of Bankruptcy Procedure 4003 in which Creditor could object to Debtors' previously claimed and unchanged \$540,198.00 homestead exemption ("Motion to Strike"). Order, Doc. #229; Doc. #236. Pursuant to the Motion to Strike, this aspect of the court's ruling is inconsistent with controlling Ninth Circuit authority of Bernard v. Coyne (In re Bernard), 40 F.3d 1028 (9th Cir. 1994), which provides that a new 30-day objection period begins to run when the debtor amends his list of exempt property, "but only with respect to the exemptions added via the amendment." Bernard, 40 F.3d at 1032.

Neither the Federal Rules of Civil Procedure ("Civil Rules") nor Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") recognize a motion for reconsideration, but courts typically construe such requests under either Civil Rule 59(e) (made applicable to bankruptcy proceedings by Bankruptcy Rule 9023) or Civil Rule 60(b) (made applicable to bankruptcy proceedings by Bankruptcy Rule 9024). See Am. Ironworks & Erectors Inc. v. N. Am. Constr. Corp., 248 F.3d 892, 898-99 (9th Cir. 2001). Under Civil Rule 59(e), amendment of judgment is only justified where: (1) the court is presented with newly discovered evidence; (2) the court committed clear error or the initial decision was manifestly unjust; or (3) there is an intervening change in controlling law. School Dist. No. 1J v. ACandS Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). Civil Rule 60(b)(1) permits the court to grant relief from a final order for mistake, inadvertence, surprise, excusable neglect. Civil Rule 60(b)(1).

The court agrees that the civil minutes with respect to the Motion to Strike should be amended to delete that determination. However, because Debtors did not cite to Bernard in the Motion to Strike, the court will not grant the motion.

Accordingly, the motion for reconsideration is GRANTED to the extent that the civil minutes with respect to the Motion to Strike are amended to delete the determination that Debtors' amended Schedule C created a new 30-day period under Federal Rule of Bankruptcy Procedure 4003 in which Creditor could object to Debtors' previously claimed and unchanged \$540,198.00 homestead exemption.

16. [26-11484](#)-A-7 **IN RE: SUZANNE JOSEFOWSKI**
[AP-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
7-21-2026 [[131](#)]

U.S. BANK TRUST NATIONAL ASSOCIATION/MV
PETER MACALUSO/ATTY. FOR DBT.
SHANA STARK/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

17. [24-25488](#)-A-7 **IN RE: BRIAN FULKERSON**
[RH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-26-2026 [[56](#)]

MERCEDES-BENZ FINANCIAL SERVICES USA LLC/MV
MOHAMMAD MOKARRAM/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

18. [26-12291](#)-A-7 **IN RE: SANDY SYBOUNLEUANG**
[FF-2](#)

MOTION TO AVOID LIEN OF WELLS FARGO BANK, N.A.
8-19-2026 [[30](#)]

SANDY SYBOUNLEUANG/MV
GARY FRALEY/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. Derham-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, 917-18 (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.

As an initial matter, on August 4, 2026, the debtor filed an amended Schedule C which increased the claimed exemption on the subject property from \$57,879.52 to \$72,598.49 pursuant to California Civil Procedure Code § 704.730. Am. Schedule C, Doc. #26. Federal Rule of Bankruptcy Procedure ("Rule") 4003(b)(1) allows a party in interest to object to a claim of exemption within 30 days after the conclusion of the § 341 meeting of creditors or 30 days after the filing of an amended Schedule C, whichever is later. Although in this case the period of time under Rule 4003 to object to the most recently filed Schedule C was September 3, 2026 and this motion to avoid lien was filed prematurely on August 19, 2026, the objection deadline has now passed and no objection to the homestead exemption asserted in amended Schedule C has been filed.

Sandy Sybounleuang ("Debtor"), the debtor in this chapter 7 case, moves under to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of Wells Fargo, N.A. ("Creditor") on the residential real property commonly referred to as 5563 E. Florence Avenue, Fresno, California 93727 (the "Property"). Doc. #30; Am. Schedule C, Doc. #26; 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)).

In the case of fractionally-owned property, all consensual encumbrances on the co-owned property must be deducted from the total value of the property before a debtor's fractional interest is determined. All Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 91 (B.A.P. 9th Cir. 2007). Once the debtor's fractional interest is determined, the consensual encumbrances on the co-owned property are excluded from the calculation of "all other liens on the property" under § 522(f)(2)(A)(ii). Id. at 90.

Debtor filed the bankruptcy petition on May 18, 2026. Doc. #1. A judgment was entered against Debtor in the amount of \$14,718.97 in favor of Creditor on October 9, 2024. Ex. A, Doc. #33. The abstract of judgment was recorded pre-petition in Fresno County on April 14, 2025, as document number 2025-0036024. Ex. A, Doc. #33. The lien attached to Debtor's interest in the Property located in Fresno County. Doc. #30. Debtor claimed an exemption of \$72,598.49 in the Property under California Code of Civil Procedure § 704.730. Am. Schedule C, Doc. #26.

Debtor's Schedule A/B states that Debtor owns the Property with at least one other person or entity. Schedule A/B, Doc. #1. Based on Debtor's valuation of the Property and her interest in it, Debtor owns a 50% interest in the Property. Id. The value of the encumbrance against the entire Property held by

Rocket Mortgage Servicing is \$415,187.00, and the Property is valued at \$545,665.00. See Schedule A/B, Doc. #1; Schedule D, Doc. #1. Applying the Meyer formula requires deducting the \$415,187.00 encumbrance on the co-owned Property from the total value of the Property, \$545,665.00. This amount totals \$130,478.00. After dividing this value by Debtor's 50% ownership interest in the Property, it is established that Debtor's interest in the Property for purposes of § 522(f) is \$65,239.00.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$14,718.97
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$0
Amount of Debtor's claim of exemption in the Property	+	\$72,598.49
		\$87,317.46
Value of Debtor's interest in the Property absent liens	-	\$65,239.00
Amount Creditor's lien impairs Debtor's exemption		\$22,078.46

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.