



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California**

Hearing Date: Wednesday, September 24, 2025

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties or their attorneys 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/attorney 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 and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys 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 who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#). If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

Final Ruling: Unless otherwise ordered, there will be **no hearing on these matters**. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

Post-Publication Changes: 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 any possible updates.

9:30 AM

1. [24-11900](#)-B-13 **IN RE: RICHARD/JANICE TOGNOTTI**
[FW-2](#)

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT,
WAIVE SECTION 1328 CERTIFICATE REQUIREMENT, CONTINUE CASE
ADMINISTRATION, SUBSTITUTE PARTY, AS TO DEBTOR
9-3-2025 [\[37\]](#)

JANICE TOGNOTTI/MV
PETER SAUER/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

On August 26, 2025, joint debtor Richard George Tognotti ("Decedent") passed away. Docs. #37, #40 (Exhibit A - Death Certificate). Decedent is survived by joint debtor Janice Tognotti ("Debtor"). Debtor seeks an order (1) substituting her as representative for or successor to Decedent in this bankruptcy case, (2) continuing administration of this case under Chapter 13, (3) waiving the post-petition education requirement for entry of discharge, and (4) waiving the certification requirements for entry of discharge in this chapter 13 case to the extent that the representative for or successor to the Decedent can demonstrate an inability to provide such certifications. Doc. #37.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

No party in interest timely filed written opposition. This motion will be GRANTED.

Upon the death of a debtor in a bankruptcy case that has not been closed, LBR 1016-1(a) provides that a notice of death shall be filed within sixty (60) days of the death of a debtor by counsel or the person intending to be appointed as the representative for or successor to a deceased debtor pursuant to Fed. R. Civ. P. ("Civ. Rule") 25(a) (Fed. R. Bankr. P. ("Rule") 7025). The notice of death shall be served on all other parties in interest, and a redacted copy of the death certificate shall be filed as an exhibit to the notice of death.

LBR 1016-1(b) permits the notice of death and requests for the following relief to be combined into a single motion for omnibus relief under Civ. Rule 18(a) (Rules 7018, 9014(c)):

- 1) Substitution as the representative for or successor to the deceased debtor in the bankruptcy case pursuant to Civ. Rule 25(a);
- 2) Continued administration of the case under chapter 13 pursuant to Rule 1016; and
- 3) Waiver of the post-petition education requirement for entry of discharge under 1328, including the post-petition education requirement under subsection (g).

Pursuant to LBR 1016-1, Debtor filed this motion for omnibus relief with a notice of death and redacted death certificate for Decedent. Docs. #37, #40. The docket does not reflect that Debtor and Decedent filed certificates of post-petition debtor education prior to Decedents passing, but Debtor declares that they both did so. Doc. #39. However, she also seeks waiver as to Decedent of any additional or new educational requirements that might be imposed prior to discharge. *Id.*

If a reorganization or individual's debt adjustment case is pending under chapter 13, Rule 1016 permits the case to proceed and be concluded in the same manner, so far as possible, as though the death had not occurred if two pre-requisites are met: (1) further administration is possible and (2) administration is in the best interest of all parties. However, Rule 1016 also allows the case to be dismissed.

Courts have held that chapter 13 cases do not need to be dismissed and may continue if (1) the debtor proposed a confirmable plan before the debtor's death; and (2) the plan is feasible after the debtor's death. *In re Perkins*, 381 B.R. 520, 537 (Bankr. S.D. Ill. 2007) (permitting further administration because it is both possible and in the best interests of parties); *In re Stewart*, 2004 Bankr. LEXIS 1042 (Bankr. D. Or. Mar. 2, 2004) (continued administration permitted if a personal representative is appointed and the confirmed plan is made current and paid through completion); *cf. In re Spider*, 232 B.R. 669, 674 (Bankr. N.D. Tex. 1999) (further administration deemed not possible because debtors' chapter 13 plan was not confirmed before death).

Here, the debtors filed chapter 13 bankruptcy on July 10, 2024. Doc. #1. Their *Chapter 13 Plan* dated July 10, 2024, confirmed September 9, 2025, provides for 60 monthly payments of \$2,550.00. Docs. #3, #21. The plan also provided for paying Class 4 creditors as follows:

1. Sun West Mortgage Co., Inc. (Mortgage, 3013 Glade Ave., Madera, CA). \$2,182.68 per month to be paid by Debtor.
2. Santander Consumer USA (Car Note, 2024 Buick Envista Sport Touring). \$580.32 per month to be paid by Debtor.

Doc. #3. Debtor has continued to make payments under the plan and declares that all payments thus far have come from her income. Doc. #39. Debtor believes she is the best person qualified to represent Decedent through the duration of this case. *Id.* It appears that Debtor is in the 14th month of the 60-month plan. While no Amended Schedule I & J has been filed since Decedent's passing, Debtor declares that all plan payments thus far have come from her income and that she anticipates being able to continue making plan payments. *Id.*

No party in interest has filed an opposition, and the defaults of all nonresponding parties will be entered. This motion will be GRANTED.

2. [25-11912](#)-B-13 **IN RE: WAYNE ARENTS**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
7-17-2025 [\[12\]](#)

DAVID BOONE/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 22, 2025, at 9:30 a.m.

ORDER: The court will issue the order.

This matter is hereby CONTINUED to October 22, 2025, at 9:30 a.m. to be heard in conjunction with the Trustee's *Motion to Dismiss* (Doc. #29) which is set for that date and time.

3. [25-11912](#)-B-13 **IN RE: WAYNE ARENTS**
[SAD-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY NEWREZ LLC
7-21-2025 [[16](#)]

NEWREZ LLC/MV
DAVID BOONE/ATTY. FOR DBT.
SHANNON DOYLE/ATTY. FOR MV.

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

DISPOSITION: Continued to October 22, 2025, at 9:30 a.m.

ORDER: The court will issue the order.

This matter is hereby CONTINUED to October 22, 2025, at 9:30 a.m. to be heard in conjunction with the Trustee's *Motion to Dismiss* (Doc. #29) which is set for that date and time.

4. [25-11714](#)-B-13 **IN RE: ISRAEL ESPITIA GONZALEZ AND ESMERALDA ESPITIA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
6-25-2025 [[15](#)]

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

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

DISPOSITION: Sustained.

ORDER: The court will prepare the order.

This matter was originally heard on July 16, 2025. Doc. #18. It was continued to August 13, 2025, and then to September 24, 2025. Docs. #18, #27.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Israel and Esmeralda Espitia ("Debtors") on May 24, 2025, on the following basis:

1. The Trustee has not yet concluded the Meeting of the Creditors as Debtor failed to provide necessary proof of identification and Social Security numbers. The continued meeting will be held on July 29, 2025. Trustee has requested an Amended Petition with Debtor's corrected full name. Trustee may supplement this objection upon becoming aware of further confirmation issues.

Doc. #15.

The court continued this objection to August 13, 2025. Doc. #18. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

On July 28, 2025, Debtors filed an Amended Petition which appears to have answered Trustee's request to correct Debtor's full name. Doc. #21. On July 31, 2025, the Trustee submitted a Supplemental Objection stating that Debtor's 341 Meeting of Creditors had been concluded but raising further objections:

2. The plan is not feasible. Debtors' Schedule I states that Debtor's disability income in the amount of \$2,536.00 will cease in July 2025, at which time Debtor's met monthly income will be reduced from \$1,806.35 down to (\$729.64). Debtors have failed to file Amended Schedules I & J to evidence their ability to make the proposed monthly plan payment of \$256.81.
3. The plan provides for Select Portfolio, which services the mortgage on Debtors' property for U.S. Bank Trust Company ("U.S. Bank"), to be paid in Class 4 directly by Debtors. However, U.S. Bank's proof of claim (POC #7-1) asserts a prepetition mortgage arrearage of \$137,528.39. This creditor must be treated as a Class 1 creditor and paid through the plan.

Doc. #23. On August 6, 2025, the Trustee submitted a Second Supplemental Objection:

4. The plan proposes to treat the claim of Capital One Auto Finance ("Capital One"), which holds the note on a 2016 Toyota Highlander (See Doc. #1 (Sched. D)), as a Class 4 creditor to be paid directly by Debtor. Doc. #3 (Section 3.10). According to Capital One's proof of claim, the expected payoff date for this loan is December 11, 2027. POC #8-1. Because the loan matures during the life of the plan and thus cannot be placed in Class 4, and if the loan must be provided for through the plan, then the plan is not feasible in light of Debtors' Schedules I & J.
 - a. The court notes, however, that while Section 3.10 (§1) identifies Debtor as the "Person making Payment," the collateral description states that "Debtor has legal title only and joint title with their daughter. This vehicle is in the Debtors' daughter's possession. Daughter has made all payments directly to the lender." Doc. #3. It appears to the court that the reference to Debtor as the person making the payment may have been a scrivener's error. What effect this may have on the feasibility of the plan is for Debtors and the Trustee to determine.

Doc. #25. Neither supplemental objection referenced the Amended Petition or states whether that part of Objection #1 is resolved.

As the Trustee's supplemental objections greatly expanded the grounds for denying confirmation, the court continued this matter again to September 24, 2025, at 9:30 a.m. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

Debtor neither filed a written response nor a modified plan. Therefore, Trustee's objection will be SUSTAINED on the grounds stated in the objection.

5. [25-12319](#)-B-13 **IN RE: SALATIEL/MARIA RUIZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-26-2025 [\[12\]](#)

LILIAN TSANG/MV
JOEL WINTER/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 22, 2025, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Salatiel and Maria Ruiz (collectively "Debtors") on July 11, 2025, on the following basis:

1. The Trustee has not yet concluded the Meeting of the Creditors as Debtors failed to provide Proof of Identification, Proof of Social Security Number, payment advices, and 2024 income tax returns by August 19, 2025. The continued 341 meeting was set for September 8, 2025. Trustee may supplement this objection.

Doc. #12. The docket reflects that the September 8 Meeting of Creditors was adjourned without conclusion and the continued 341 Meeting is set for October 6, 2025.

This objection will be CONTINUED to October 22, 2025, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue

raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

6. [25-10720](#)-B-13 **IN RE: DARON NUNN**
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-22-2025 [\[40\]](#)

FIRST-CITIZENS BANK & TRUST COMPANY/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will enter the order.

First-Citizen Bank & Trust ("Movant") seeks an order lifting the automatic stay under 11 U.S.C. § 362 in the above-captioned matter so that Movant may enforce its remedies in accordance with applicable non-bankruptcy law as to the real property commonly known as 15059 Mooresville Pl, Bakersfield, California (the "Property"). Doc. #40.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR") and Federal Rule of Bankruptcy Procedure ("Rule").

LBR 4001-1 states that motions for relief from the automatic stay of 11 U.S.C. § 362(a) shall be set for hearing in accordance with LBR 9014. LBR 9014, in turn, states that, under LBR 9014-1(d)(3)(B)(i), the Notice of the motion must include the names and addresses of the persons who must be served with such opposition. Here, the Notice only directed that written opposition should be served upon Movant. See Doc. #41. However, as the motion to lift stay implicates assets of the estate, the Chapter 13 Trustee and the U.S. Trustee are included among "the persons who must be served with such opposition."

Here, Movant's notice did not include the chapter trustee and the U.S. Trustee as persons to be served with opposition pursuant LBR 9014-1(d)(3)(B)(i). Doc. #41

Rule 4001(a)(1) requires motions for relief from the automatic stay to be made in accordance with Rule 9014. Rule 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Since this motion will affect property of the estate, the Chapter 13 Trustee must be served in accordance with Rule 7004(b)(1).

Rule 7004 allows service in the United States by first class mail by "mailing a copy of the summons and complaint to . . . the place where the individual regularly conducts a business[.]" Rule 7004(b)(1). Electronic service is precluded here because Rule 9036 "does not apply to any paper required to be served in accordance with Rule 7004." Rule 9036(e).

Here, Chapter 13 trustee Lilian G. Tsang ("Trustee") was not properly served. The Certificate of Service states that the Trustee was served via electronic service. Doc. #47.

Accordingly, this motion will be DENIED WITHOUT PREJUDICE because the Notice is deficient under LBR 9014-1(d)(3)(B)(i) and the Trustee was not properly served in accordance with Rule 4001(a)(1).

7. [25-10925](#)-B-13 **IN RE: JORGE GONZALEZ AND NANCY RAMIREZ**
[JRL-4](#)

CONTINUED MOTION TO CONFIRM PLAN
7-7-2025 [\[52\]](#)

NANCY RAMIREZ/MV
JERRY LOWE/ATTY. FOR DBT.

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

DISPOSITION: Withdrawn.

No order is required.

On September 23, 2025, the Debtors withdrew the *Motion to Confirm Second Modified Chapter 13 Plan* dated July 7, 2025. Docs. #52, #69. Accordingly, this motion is WITHDRAWN.

8. [25-12731](#)-B-13 **IN RE: STEVEN PATTILLO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-26-2025 [[11](#)]

DISMISSED 9/2/25

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

DISPOSITION: Dropped and taken off calendar.

NO ORDER REQUIRED.

An order dismissing the case was entered on September 2, 2025. Doc. #15. Accordingly, this Order to Show Cause will be taken off calendar as moot. No appearance is necessary.

9. [25-11432](#)-B-13 **IN RE: MARCUS GATHRIGHT**
[MEV-1](#)

MOTION TO CONFIRM PLAN
8-5-2025 [[45](#)]

MARCUS GATHRIGHT/MV
MARC VOISENAT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will prepare the order.

Marcus Gathright ("Debtor") moves for confirmation of his *First Modified Chapter 13 Plan* dated August 4, 2025. Doc. #42. On September 17, 2025, Debtor filed his *Second Modified Chapter 13 Plan*. Accordingly, this instant *Motion to Confirm* is DENIED as moot.

10. [25-12837](#)-B-13 **IN RE: DOMENICA GIORDANO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
9-5-2025 [[14](#)]

DISMISSED 9/9/25 Doc. 16

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

DISPOSITION: Dropped and taken off calendar.

NO ORDER REQUIRED.

An order dismissing the case was entered on September 9, 2025. Doc. #16. Accordingly, this Order to Show Cause will be taken off calendar as moot. No appearance is necessary.

11. [25-13037](#)-B-13 **IN RE: CHRISTINA REYES**
[PBB-1](#)

MOTION TO EXTEND AUTOMATIC STAY
9-9-2025 [[8](#)]

CHRISTINA REYES/MV
PETER BUNTING/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

Christina Reyes ("Debtor") requests an order extending the automatic stay under 11 U.S.C. § 362(c)(3). Doc. #8 *et seq.*

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

This motion was filed and served 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.

Under 11 U.S.C. § 362(c)(3)(A), if the debtor has had a bankruptcy case pending within the preceding one-year period that was dismissed,

then the automatic stay under subsection (a) shall terminate with respect to the debtor on the 30th day after the latter case is filed.

This Debtor's cases within the last year are as follows:

Docket	Filed	Dismissed	Reason for dismissal
25-12718	8/12/25	9/3/25	Failure to file documents
25-13037	9/8/25	Pending	n/a

The automatic stay in the current case will expire on October 8, 2025.

11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor demonstrates that the filing of the latter case is in good faith as to the creditors to be stayed. Such request must be made within 30 days of the petition date.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.'" *Factual contentions are highly probable if the evidence offered in support of them 'instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition.'*" *Emmert v. Taggart (In re Taggart)*, 548 B.R. 275, 288, n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by *Taggart v. Lorenzen*, 139 S. Ct. 1785 (2019)).

In this case, the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith as to all creditors because Debtor has had a previous case pending within the preceding one-year period and Debtor failed to timely file documents as required by the Bankruptcy Code or the court without substantial excuse. § 362(c)(3)(C)(i)(II)(aa).

With regard to the dismissal of the previous case, Debtor declares that on August 12, 2025, a skeletal bankruptcy was filed on her behalf to prevent repossession of her vehicle. Doc. #10. Debtor further declares that, on August 22, 2025, she met with her attorney, Peter Bunting, to sign what she believed to be the remaining documents, but she later learned from her attorney that one of the Schedules did not get timely filed and that the case had been dismissed. *Id.*

The docket in the previous case reflects that an *Amended Notice of Incomplete Filing and Notice of Intent to Dismiss* was issued by the Clerk's office on August 14, 2025, setting a deadline of August 26, 2025, in which to file the missing documents. Case No. 25-12718, Doc. #9. On August 25, 2025, Debtor filed all the missing documents except for Schedule D and Schedule H. Case No. 25-12718, Docs. ##11-13. On

September 2, 2025, after the court's deadline, Debtor filed a Schedule D. Case No. 25-12718, Doc. #18. Debtor did not file a Schedule H.

Debtor has refiled substantially the same case but with all required documents timely filed. *See Docket generally.* Debtor's proposed plan in the current case is a 48-month plan with a monthly payment of \$797.00, payment of an estimated \$3,000.00 in priority unsecured claims over the life of the plan, and a dividend of 0% to nonpriority unsecured creditors. Doc. #3. Debtor's Schedules I & J filed in the current case reflects a monthly net income of \$797.00, which is sufficient to meet plan payments. Doc. 1.

Based on the moving papers and the record, the presumption appears to have been rebutted by clear and convincing evidence because it appears that Debtor's failure to file required documents in the previously dismissed case was due to oversight, as she timely filed all required documents except for Schedule H (Co-Debtors). In the current case, Debtor has filed all required documents, including Schedule H, which reflects that Debtor does not have any co-debtors (and likely did not have any at the time the prior case was dismissed for failure to timely file her Schedule H.

This matter will be called and proceed as scheduled. In the absence of opposition at the hearing, this motion may be GRANTED. 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).

12. [24-13340](#)-B-13 **IN RE: JUNIUS JACKSON**
[TCS-3](#)

MOTION TO VALUE COLLATERAL OF FRANK J. BALL
8-10-2025 [\[58\]](#)

JUNIUS JACKSON/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Federal Rules of Bankruptcy Procedure.

Rule 3012 governs requests for determination of the value of a secured claim. Fed. R. Bankr. P. 3012. Such requests may be made, as here, in the form of a motion to value collateral. Fed. R. Bankr. P. 3012(b)(1). Local Bankruptcy Rule ("LBR") 3012-1(i) requires the debtor to bring a request for valuation in the form of a valuation motion. LBR 7005-1 requires that service of contested matters be

documented using the Official Certificate of Service Form (Form EDC 007-005).

Rule 7004 is specifically precluded from electronic service by Rule 9036. This service requirement is not subject to waiver under Fed. R. Civ. P. 4(d). See Rule 7004(a)(1). Accordingly, the motion may be served on the claim holder through first-class mail in accordance with Rule 7004(b).

Here, the certificate of service indicates Rule 7004 service by first-class mail to the persons served as listed on **Attachment 6A-1**. Doc. #65 (at ¶6A1). However, there is no Attachment 6A-1 appended to the certificate of service, so there is no evidence the Trustee and/or the Claim Holder were properly served. *Id.*

For the above reason(s), this motion will be DENIED WITHOUT PREJUDICE.

13. [24-13340](#)-B-13 **IN RE: JUNIUS JACKSON**
[TCS-4](#)

OBJECTION TO CLAIM OF LAW OFFICES OF FRANK J. BALL, CLAIM
NUMBER 15
8-10-2025 [\[54\]](#)

JUNIUS JACKSON/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Federal Rules of Bankruptcy Procedure.

Rule 3007(a)(2)(A) states that the notice and objection to a Proof of Claim must be served by mail on the person the claim holder most recently designated to receive notices on the claim holder's original or latest amended proof of claim, at the address so indicated. Fed. R. Bankr. P. 3007(a)(2)(A). The notice and objection must also be served, by mail (or other permitted means), on (1) the debtor, (2) the trustee, and (3) the entity that filed the proof of claim.

Rule 7004 is specifically precluded from electronic service by Rule 9036. This service requirement is not subject to waiver under Fed. R. Civ. P. 4(d). See Rule 7004(a)(1).

Here, the certificate of service indicates service by first-class mail to all persons listed on **Attachment 6A-1**. Doc. #65 (at ¶6A1). However, there is no Attachment 6A-1 appended to the certificate of service, so

there is no evidence the Trustee and/or the Claim Holder were properly served. *Id.*

For the above reason(s), this motion will be DENIED WITHOUT PREJUDICE.

14. [25-11060](#)-B-13 **IN RE: SOPHONNA NONG**
[RSW-3](#)

CONTINUED MOTION TO CONFIRM PLAN
7-3-2025 [[27](#)]

SOPHONNA NONG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSE PLEADING WITHDRAWN;

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

DISPOSITION: Granted.

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

Sophonna Nong ("Debtor") seeks an order confirming the *Chapter 13 Plan* dated April 29, 2025. Doc. #18. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Debtor will pay \$3,000.00 per month in months 1-12, \$3,400.00 in months 13-24, \$3,800.00 in months 25-36, an \$4,200.00 in months 37-48, and \$5,400.00 in months 49-60.
2. Outstanding Attorney's fees in the amount of \$6,495.00 to be paid through the plan beginning in month 13.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. 21st Mortgage Corp. (Class 1, Mortgage on 908 Lancer Way, Lebec, CA). Ongoing mortgage payment of \$2,003.29 per month. Arrearage of \$28,461.45. to be paid as follows: Section 5.02(c) is modified to provide that after payment of all monthly dividends due on account of the fees, payments, expenses, and claims specified in section 5.02(a) (i) through (iv), the remainder shall be paid on the Class 1 real estate arrearages owed to secured creditor 21st Mortgage Corp.
 - b. Exeter Finance LLC (Class 2A, 2018 Honda CR-V, PMSI). \$23,513.41 at 8.50% to be paid at \$487.50 per month.
 - c. Los Angeles County Tax Collector (Class 2A, Val Verde CA). \$2,000.00 at 18.00% to be paid at \$184.00 per month.
 - d. Los Padres Estates Property Owners Ass'n (Class 2A, 908 Lancer Way, Lebec, CA) \$650.00 at 0.00% to be paid at \$55.00 per month.
4. A dividend of 100% to nonpriority unsecured creditors with total claims estimated at \$28,845.77.

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

The Trustee objected to confirmation but subsequently withdrew the Objection. Docs. #32, #40. This motion will be GRANTED. The confirmation order shall include the docket control number of the motion and reference the plan by the date it was filed.

15. [25-12372](#)-B-13 **IN RE: SANDRA SHAW**
[LGT-1](#)

MOTION TO DISMISS CASE
8-27-2025 [\[20\]](#)

TENTATIVE RULING: This matter will be called and proceed as scheduled because the debtor is pro se.

DISPOSITION: Granted or denied without prejudice.

ORDER: The court will issue an order.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtor to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). However, because the debtor is pro se, this matter will be called and proceed as scheduled. The court will inquire whether the debtor has cured all of the delinquencies set forth in the motion. If so, this motion will be DENIED WITHOUT PREJUDICE. Otherwise, this motion will be GRANTED.

Chapter 13 trustee Lilian G. Tsang ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc

#20. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to:

1. Set a plan as required by the Order Extending Time to File Missing Documents;
2. To provide the **required** documents to the Trustee;
3. To provide the documents **requested** by the Trustee;
4. To accurately file schedules and/or statements; and
5. To commence making plan payments. As of August 27, 2025, payments are delinquent in the amount of \$533.91. While this motion is pending, further payments will come due. Doc. #22.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to provide Trustee with the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make any payments due under the plan.

A review of the debtor's Schedules A/B and D shows that Debtor's significant assets, vehicles and real property, are over encumbered. Debtor claims exemptions in the remaining assets. Doc. #20. Because it appears that there is no equity to be realized for the benefit of the estate, dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

Accordingly, pending the debtor showing that all the delinquencies set forth in the motion have been cured, the motion will be GRANTED, and the case dismissed.

16. [25-12676](#)-B-13 **IN RE: FRED KISER**
[GAL-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-20-2025 [\[15\]](#)

CORNING CREDIT UNION/MV
ARETE KOSTOPOULOS/ATTY. FOR DBT.
GARRY MASTERSON/ATTY. FOR MV.
WITHDRAWN

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

DISPOSITION: Withdrawn.

NO ORDER REQUIRED

The Corning Credit Union ("Movant") withdrew this motion on September 8, 2025. Doc. #35. Accordingly, this matter will be taken off calendar pursuant to the Movant's withdrawal.

17. [25-12391](#)-B-13 **IN RE: MATTHEW CRIPPEN**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
8-27-2025 [\[12\]](#)

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

In Item #18, below, the court has granted the Trustee's *Motion to Dismiss* and ordered that this case be converted to Chapter 7. *See Item #18, below.* Accordingly, this *Objection to Confirmation* will be OVERRULED as moot.

18. [25-12391](#)-B-13 **IN RE: MATTHEW CRIPPEN**
[LGT-2](#)

MOTION TO DISMISS CASE
8-27-2025 [\[15\]](#)

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

DISPOSITION: Granted. Case converted to Chapter 7

ORDER: The court will issue an order.

Chapter 13 trustee Lillian G. Tsang ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for:

1. Unreasonable delay by the debtor that is prejudicial to creditors;
2. Failure to appear and testify at the initial 341 Meeting of Creditors on August 26, 2025;
3. Failure to provide a lengthy list of required documents to the Trustee, as further outlined in the Motion; and
4. Failure to commence making plan payment.

Doc. #15. According to the Declaration accompanying the motion, Debtor is delinquent in the amount of \$2,275.00 as of August 27, 2025, with additional payments accruing. Doc. #17. Debtor Matthew Crippen ("Debtor") did not oppose.

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

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

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any

task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay.

The record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors because Debtor has failed to make all payments due under the plan. Trustee indicates that Debtor is delinquent in the amount of \$2,275.00 as of August 27, 2025, with additional monthly payments accruing. Doc. #17. Debtor has also failed to provide a lengthy list of documents required by the Trustee as part of the bankruptcy process. Doc. #15.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the Debtors that is prejudicial to creditors, a failure to commence plan payments, and a failure to appear at the 341 Meeting of Creditors.

Here, Trustee has reviewed the schedules and determined that this case may have a liquidation value of \$72,265.50 after trustee compensation. Docs. #15, #18. This amount consists of the value of Debtor's 200 Ford F-250, 1985 Peterbilt Tractor 379, 2007 Suzuki 450, two 1985 Western Highside Dump Trailers, electronics, three chickens, cash, PG&E deposit, tools and supplies, 1999 Kobelco Excavator, 2000 Western Highside Dump Trailer, and Carson Dump Trailer. Doc. #18. Therefore, conversion, rather than dismissal, best serves the interests of creditors and the estate.

Accordingly, the motion will be GRANTED AS MODIFIED, and the case CONVERTED TO CHAPTER 7.

11:00 AM

1. [25-11500](#)-B-13 **IN RE: STEPHEN/ELIZABETH RAYBURN**
[25-1038](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
7-25-2025 [[1](#)]

FRESNO OXYGEN AND WELDING
SUPPLIERS, INC. V. RAYBURN ET
IAN QUINN/ATTY. FOR PL.

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

DISPOSITION: Continued to November 19, 2025, at 11:00 a.m.

ORDER: The court will prepare the order.

On September 22, 2029, the parties submitted a Joint Adversary Proceeding Status Report in which they, *inter alia*, requested a continuance of 45 to 60 days. Accordingly, this matter will be CONTINUED to November 19, 2025, at 11:00 a.m. Joint or unilateral status report(s) shall be filed and served on or before November 12, 2025.

2. [21-11001](#)-B-11 **IN RE: NAVDIP BADHESHA**
[RMB-16](#)

CONTINUED STATUS CONFERENCE RE: OBJECTION TO CLAIM OF
CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, CLAIM
NUMBER 8
4-11-2022 [[241](#)]

NAVDIP BADHESHA/MV
MATTHEW RESNIK/ATTY. FOR DBT.

NO RULING.

3. [20-10809](#)-B-11 **IN RE: STEPHEN SLOAN**
[21-1039](#)

FURTHER STATUS CONFERENCE RE: FIRST AMENDED COMPLAINT
10-27-2022 [\[58\]](#)

SANDTON CREDIT SOLUTIONS MASTER FUND IV, LP V. SLOAN ET
KURT VOTE/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

4. [20-10809](#)-B-11 **IN RE: STEPHEN SLOAN**
[21-1039](#)

CONTINUED PRE-TRIAL CONFERENCE RE: FIRST AMENDED COMPLAINT
10-27-2022 [\[58\]](#)

SANDTON CREDIT SOLUTIONS MASTER FUND IV, LP V. SLOAN ET
KURT VOTE/ATTY. FOR PL.

NO RULING.

5. [25-10011](#)-B-12 **IN RE: CARL/PATRICIA SOUSA**
[25-1035](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
7-24-2025 [\[1\]](#)

SOUSA ET AL V. CSC GOLD, INC.
PETER SAUER/ATTY. FOR PL.

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

DISPOSITION: Concluded and dropped from the calendar.

No order is required.

On August 25, 2025, a Stipulation of Dismissal was entered in this
adversary. Doc. #8. Accordingly, this Status Conference is CONCLUDED
and will be DROPPED from the calendar.

6. [25-10011](#)-B-12 **IN RE: CARL/PATRICIA SOUSA**
[25-1036](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
7-24-2025 [[1](#)]

SOUSA ET AL V. WESTERN MILLING, LLC.
PETER SAUER/ATTY. FOR PL.
DISMISSED 9/11/25

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

DISPOSITION: Concluded and dropped from the calendar.

No order is required.

On September 11, 2025, a Stipulation of Dismissal was entered in this adversary. Doc. #9. Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

7. [25-10011](#)-B-12 **IN RE: CARL/PATRICIA SOUSA**
[25-1037](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
7-24-2025 [[1](#)]

SOUSA ET AL V. J.D. HEISKELL HOLDINGS, LLC
PETER SAUER/ATTY. FOR PL.
DISMISSED 8/25/25

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

DISPOSITION: Concluded and dropped from the calendar.

No order is required.

On August 25, 2025, a Stipulation of Dismissal was entered in this adversary. Doc. #8. Accordingly, this Status Conference is CONCLUDED and will be DROPPED from the calendar.

8. [23-12426](#)-B-7 **IN RE: RAUL FERNANDEZ-MARTINEZ**
[25-1021](#)

ORDER TO SHOW CAUSE
8-18-2025 [[16](#)]

FEAR V. PAPE TRUCK LEASING, INC.

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

Defendant Pape Truck Leasing, Inc. filed a Corporate Ownership Statement (Doc. #19) on August 26, 2025, as required by Fed. R. Bankr. P. 7007.1 and the *Order to Show Cause* ("OSC"). Doc. #16. Accordingly, the OSC will be VACATED.

9. [25-12231](#)-B-11 **IN RE: THE ROMAN CATHOLIC BISHOP OF FRESNO**
[25-1031](#) [CAE-1](#)

STATUS CONFERENCE RE: NOTICE OF REMOVAL
7-21-2025 [[1](#)]

ALL PLAINTIFFS IN RE NORTHERN CALIFORNIA CLERGY CA V.
THE ROMAN CATHOLIC BISHOP OF FRESNO

NO RULING.

10. [25-10499](#)-B-7 **IN RE: JEFFREY REICH**
[25-1022](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-23-2025 [[1](#)]

REICH V. REICH
SHANE REICH/ATTY. FOR PL.

NO RULING.