



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

**HONORABLE RENÉ LASTRETO II  
Department B – Courtroom #13  
Fresno, California**

**Hearing Date: Wednesday, September 27, 2023**

Unless otherwise ordered, all hearings before Judge Lastreto are simultaneously: (1) **IN PERSON** in 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.

Parties in interest and members of the public may connect to ZoomGov, free of charge, using the information provided:

**Video web address:** <https://www.zoomgov.com/j/1608248670?pwd=VWRqVjA3Z0V5MzNRdm0vdGFBaVU2Zz09>  
**Meeting ID:** 160 824 8670  
**Password:** 959787  
**ZoomGov Telephone:** (669) 254-5252 (Toll-Free)

Please join at least 10 minutes before the start of your hearing. You are required to give the court 24 hours advance notice on [Court Calendar](#).

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Review the court's [Zoom Procedures and Guidelines](#) for these and additional instructions.
3. Parties appearing through CourtCall are encouraged to review the [CourtCall Appearance Information](#).

**Unauthorized Recording is Prohibited:** Any recording of a court proceeding held by video or teleconference, including "screenshots" 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.

**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. [23-11410](#)-B-13     **IN RE: MATTHEW/KATHRYN WALTHER**  
[KMM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TOYOTA MOTOR  
CREDIT CORPORATION  
8-14-2023    [\[16\]](#)

TOYOTA MOTOR CREDIT  
CORPORATION/MV  
SCOTT LYONS/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.  
RESPONSIVE PLEADING

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

DISPOSITION:     Overruled as moot.

ORDER:             The court will issue an order.

Toyota Motor Credit Corporation ("Creditor") objects to Confirmation of the Chapter 13 Plan of Debtors Matthew Benjamin Walther and Kathryn Elizabeth Walther ("Debtors"). Doc. #16. The collateral at issue is a 2016 Toyota 4Runner ("the Property") which the plan asserts a value of \$24,705.00 but which Creditor's Proof of Claim values at \$29,291.49. *Id.* On August 31, 2023, the court continued this matter to September 27, 2023. Doc. #21. On September 6, 2023, Debtors filed a response stating that, upon further review, they have determined that the petition was filed less than 910 days after the purchase money security interest attached to the Property was incurred. Doc. #23. As such, the Debtors concede that they must file an Amended Plan to treat Creditor as a Class 2A Creditor who will be paid in full rather than as a Class 2B Creditor who is subject to cram-down. *Id.* Debtors aver their intention to file and serve a copy of their First Amended Chapter 13 plan prior to the date of the hearing, thereby rendering this objection moot.

Accordingly, this Objection is OVERRULED as moot.

2. [23-11116](#)-B-13     **IN RE: HUMBERTO/NANCY VIDALES**  
[MHM-2](#)

MOTION TO DISMISS CASE  
8-29-2023    [\[60\]](#)

MICHAEL MEYER/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to October 25, 2023, at 9:30 a.m.

ORDER:                   The court will issue an order.

The trustee's motion to dismiss will be continued to October 25, 2023, at 9:30 a.m., to be heard in connection with the debtors' motion to confirm first modify plan. See, Docs. ##54-69; TCS-6.

3. [21-11822](#)-B-13     **IN RE: MARIA PAREDES**  
    [PBB-2](#)

MOTION TO MODIFY PLAN  
8-15-2023   [\[54\]](#)

MARIA PAREDES/MV  
PETER BUNTING/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.

Maria De La Luz Paredas ("Debtor") comes before the court on a *Motion for Confirmation of Second Modified Chapter 13 Plan*. Doc. #54. Specifically, Debtor proposes to move Creditor PennyMac Loan Servicing ("PennyMac") from Class 1 to Class 4 (direct pay). *Id.* Debtor avers that the deficiency owed to PennyMac has been fully cured by the plan payments to date, that the property at 537 Elizabeth Ave., Sanger, California which secures the PennyMac loan is not her residence, and that Debtor's son and daughter-in-law who have been renting the property from Debtor to finance her plan wish to make payments directly to PennyMac. Doc. #58. This change, if approved, will reduce Debtor's monthly plan payments from \$3,638.37 down to \$1,115.00 per month beginning in August 2023. *Id.*

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's 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). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest has filed a response. The court finds that the Debtor has made a prima facie case.

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.

4. [18-14325](#)-B-13     **IN RE: TIMOTHY BURNETT**  
[MJA-2](#)

CONTINUED MOTION TO MODIFY PLAN  
7-14-2023    [\[64\]](#)

TIMOTHY BURNETT/MV  
MICHAEL ARNOLD/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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.

Maria De La Luz Paredas ("Debtor") comes before the court on a *Motion for Confirmation of Second Modified Chapter 13 Plan*. Doc. #54. Specifically, Debtor proposes to move Creditor PennyMac Loan Servicing ("PennyMac") from Class 1 to Class 4 (direct pay). *Id.* Debtor avers that the deficiency owed to PennyMac has been fully cured by the plan payments to date, that the property at 537 Elizabeth Ave., Sanger, California which secures the PennyMac loan is not her residence, and that Debtor's son and daughter-in-law who have been renting the property from Debtor to finance her plan wish to make payments directly to PennyMac. Doc. #58. This change, if approved, will reduce Debtor's monthly plan payments from \$3,638.37 down to \$1,115.00 per month beginning in August 2023. *Id.*

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's 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). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima facie case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest has filed a response. The court finds that the Debtor has made a prima facie case.

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.

5. [23-11328](#)-B-13     **IN RE: MATTHEW YBARRA AND HOPE RAMIREZ**  
[KLG-1](#)

MOTION TO CONFIRM PLAN  
8-21-2023    [\[26\]](#)

HOPE RAMIREZ/MV  
ARETE KOSTOPOULOS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to October 25, 2023, at 9:30 a.m.

ORDER:             The court will enter the order.

Matthew Angel Ybarra and Hope Main Ramirez ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated August 20, 2023. Doc. #28.

Chapter 13 trustee Michael H. Meyer ("Trustee") timely objected to confirmation of the plan under 11 U.S.C. § 1325(b)(1)(B), asserting that the plan does not provide for all of Debtors' projected disposable income to be applied to unsecured creditors. Doc. #34.

This motion to confirm plan will be CONTINUED to **October 25, 2023, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's and Creditor's objections to confirmation are withdrawn, the Debtor shall file and serve a written response to the objections no later than fourteen (14) days before the continued hearing date. The response shall specifically address each issue raised in the objection(s) to confirmation, state whether each issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Trustee shall file and serve a reply, if any, no later than seven (7) days prior to the hearing date.

If Debtor elects 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 seven (7) days before the hearing. If Debtor does 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. [23-10531](#)-B-13     **IN RE: AARON/LINDA FORD**  
[PBB-3](#)

OBJECTION TO CLAIM OF DON ROBERTO JEWELERS INC., CLAIM

NUMBER 18  
8-7-2023 [32]

LINDA FORD/MV  
PETER BUNTING/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

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

This objection was set for hearing on 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's 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). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a *prima facie* case for the requested relief. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

Aaron Damone Ford and Linda Fae Ford ("Debtors") object to Claim #18 filed by Don Roberts Jewelers, Inc. ("Creditor") on July 28, 2023, in the amount of \$176.77 and seeks that it be disallowed in its entirety. No party has responded.

11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof filed under section 501, is deemed allowed, unless a party in interest objects.

Federal Rule of Bankruptcy Procedure 3001(f) states that a proof of claim executed and filed in accordance with these rules shall constitute *prima facie* evidence of the validity and amount of the claim. If a party objects to a proof of claim, the burden of proof is on the objecting party. *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (B.A.P. 9th Cir. 2000).

Here, the moving papers, docket, and claims register indicate that this case was filed on March 16, 2023, Doc. #1, and the deadline for filing non-governmental proofs of claim was May 26, 2023. Doc. #9. However, Creditor's Proof of Claim was not filed until July 28, 2023, and the Exhibits accompanying the instant motion include the notice sent to all creditors, including this Creditor. Doc. #36. Creditor's proof of claim was therefore untimely.

This objection will be SUSTAINED, and claim no. 18 filed by Don Roberto Jewelers, Inc. is disallowed in its entirety.

7. [23-11133](#)-B-13     **IN RE: TRACY/BETSY WALTRIP**  
[TCS-1](#)

MOTION TO CONFIRM PLAN  
8-10-2023    [\[30\]](#)

BETSY WALTRIP/MV  
TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

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

Tracy and Betsy Waltrip ("Debtors") come before the court on a *Motion for Confirmation of First Modified Chapter 13 Plan*. Doc. #30. This case was filed on May 27, 2023, and the original plan was confirmed on July 10, 2023. Doc. ## 1, 23. The original plan called for 36 monthly payments of \$1,583.00 and provided for a 19% dividend to general unsecureds. Doc. #3. In the instant motion, Debtors aver that the calculations underlying the original plan erroneously excluded a mandatory retirement deduction from Tracy Waltrip's pay, and that when that deduction is properly applied, their disposable monthly income decreases significantly such that the dividend to general unsecured should be reduced from 19% to just 4%. Doc. #33. The Declaration of Debtor Tracy Waltrip alludes to an attached Exhibit "A" which contains a copy of Debtor's Amended Schedules I & J, but no such Exhibit was filed. However, the docket reflects that an Amended Schedule I & J was filed on August 10, 2023, and it does indeed show the addition of an entry for "Mandatory contributions for retirement" in the amount of \$398.00 per month, which reduces the Debtors' monthly net income from \$1,583.00 to \$1,300.00. Compare Doc. #1 (Schedule I&J) with Doc. #28.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). Thus, pursuant to LBR 9014-1(f)(1)(B), the failure of any party in interest (including but not limited to creditors, the debtor, the U.S. Trustee, or any other properly-served party in interest) to file written opposition at least 14 days prior to the hearing may be deemed a waiver of any such opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). When there is no opposition to a motion, the defaults of all parties in interest who failed to timely respond will be entered, and, in the absence of any opposition, the movant's 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). Because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary when an unopposed movant has made a prima



facie case for the requested relief. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

No party in interest has filed a response.

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.

8. [23-11634](#)-B-13     **IN RE: DEBRA ANDERSON**  
[AP-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY FIRST TECH FEDERAL  
CREDIT UNION  
8-24-2023     [\[17\]](#)

FIRST TECH FEDERAL CREDIT  
UNION/MV  
SCOTT LYONS/ATTY. FOR DBT.  
WENDY LOCKE/ATTY. FOR MV.

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

DISPOSITION:     Continued to October 25, 2023.

ORDER:     The court will enter an order.

First Tech Federal Credit Union ("Creditor") brings this Objection to Confirmation of the Chapter 13 plan of Debra Anderson ("Debtor"). Doc. #17. The sole ground given for the objection is a dispute over Debtor's valuation of a 2021 Hyundai ("the Vehicle") which is subject to cramdown in the plan. *Id.* On September 1, 2023, Debtor filed a Motion to Value Collateral vis a vis the Vehicle which was also set for September 29, 2023. Doc. #22, 23. On September 19, 2023, Creditor and Debtor filed a Joint Stipulation which purports to resolve the valuation dispute. Doc. #34.

While the Stipulation would presumably render the instant Objection moot as well, the Stipulation on its face does not address that matter. Accordingly, out of caution, the court will instead continue this matter to October 25, 2023. Creditor may withdraw the instant Objection if the Stipulation truly does resolve its objections to confirmation. Otherwise, the court will take up the matter on that date.

9. [23-11634](#)-B-13     **IN RE: DEBRA ANDERSON**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.  
MEYER  
9-11-2023     [\[29\]](#)

SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 25, 2023.

ORDER: The court will enter an order.

Michael H. Meyer, Trustee in this matter ("Trustee") brings this Objection to Confirmation of the Chapter 13 plan of Debra Anderson ("Debtor"). Doc. #29. Two grounds were given for the objection: (1) that Debtor failed to file a Schedule I-8a business income and expense statement, and (2) that the plan proposes to value the collateral of Creditor First Tech Financial Credit Union ("Creditor") on September 27, 2023, and the plan could not be confirmed in advance of that valuation. *Id.*

On September 11, 2023, Debtor filed an Amended Schedule I which included the requested income and expense statement. On September 19, 2023, Debtor and Creditor jointly filed a Stipulation which purports to resolve the valuation of Creditor's collateral.

While the filing of the Amended Schedule I and the Stipulation would presumably render the instant Objection moot, the court, out of caution, will instead continue this matter to October 25, 2023. Trustee may withdraw the instant Objection if he concludes that his concerns are alleviated by the two filings. Otherwise, the court will take up the matter on that date.

10. [23-11634](#)-B-13 **IN RE: DEBRA ANDERSON**  
[SL-1](#)

MOTION TO VALUE COLLATERAL OF FIRST TECH FEDERAL CREDIT  
UNION  
9-1-2023 [[22](#)]

DEBRA ANDERSON/MV  
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot.

ORDER: The court will enter an order.

On September 19, 2023, Debra Denise Anderson ("Debtor") and First Tech Federal Credit Union ("Creditor") filed a Joint Stipulation to Resolve Debtor's Motion to Value Collateral. Doc. #34. Accordingly, this motion is DENIED as moot.

11. [23-11635](#)-B-13 **IN RE: JEFFERY SHERWOOD AND CRYSTAL SHERWOOD**  
VARGAS

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
9-1-2023 [\[19\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid in full. Accordingly, the order to show cause will be VACATED.

12. [23-11542](#)-B-13 **IN RE: LARRY WILLIAMS**  
[SLL-2](#)

MOTION TO CONFIRM PLAN  
8-22-2023 [\[31\]](#)

LARRY WILLIAMS/MV  
STEPHEN LABIAK/ATTY. FOR DBT.  
WITHDRAWN

DISPOSITION: Withdrawn; taken off calendar.

NO ORDER REQUIRED.

Larry Williams ("Debtor") withdrew this Motion to Modify Chapter 13 Plan on August 31, 2023. Doc. #45. Accordingly, this matter will be dropped and taken off calendar pursuant to the withdrawal.

13. [22-12149](#)-B-13 **IN RE: BEVERLY TAYLOR**  
[WLG-1](#)

CONTINUED AMENDED MOTION TO MODIFY PLAN  
7-19-2023 [\[52\]](#)

BEVERLY TAYLOR/MV  
MICHAEL REID/ATTY. FOR DBT.

DISPOSITION: Withdrawn; taken off calendar.

NO ORDER REQUIRED.

On September 20, 2023, Beverly Taylor ("Debtor") withdrew her two prior Amended Plans (Doc. ## 56, 75) Doc. #79. Accordingly, this matter will be dropped and taken off calendar pursuant to the withdrawal.

14. [23-11452](#)-B-13 **IN RE: TANNIA ESQUIVEL**  
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY MICHAEL H.  
MEYER  
8-14-2023    [\[15\]](#)

MICHAEL MEYER/MV  
PETER BUNTING/ATTY. FOR DBT.  
WITHDRAWN

DISPOSITION:        Withdrawn; taken off calendar.

NO ORDER REQUIRED.

Michael H. Meyer withdrew this Objection to Confirmation on  
September 1, 2023. Doc. #26. Accordingly, this matter will be  
dropped and taken off calendar pursuant to the withdrawal.

15. [22-10857](#)-B-13        **IN RE: TEEBE KINFE**  
[SLL-2](#)

MOTION TO MODIFY PLAN  
8-22-2023    [\[37\]](#)

TEEBE KINFE/MV  
STEPHEN LABIAK/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to October 25, 2023, at 9:30 a.m.

ORDER:                The court will issue an order.

On August 22, 2023, Teebe Kinfe ("Debtor") filed a First Amended Chapter 13 Plan (Doc. #39) and a Motion to Confirm same. Doc. #37. On September 12, 2023, Michael H. Myer ("Trustee") filed an Objection to the First Amended Plan, asserting that the plan fails to provide for submission of all or such portion of future earnings or other future income to the supervision and control of the Trustee as is necessary for execution of the plan as is required by 11 U.S.C. § 1322(a). Doc. #43.

This motion will be CONTINUED to October 25, 2023, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response to the objection not later than fourteen (14) days before the hearing. The response shall specifically address each issue raised in Trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Trustee shall file and serve a reply, if any, at least seven (7) days before hearing.

If Debtor elects 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 seven (7) days before the hearing. If Debtor does 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.

16. [23-11266](#)-B-13     **IN RE: JAMES/JESSAMINE DIAZ**  
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
8-16-2023    [\[17\]](#)

HARLEY-DAVIDSON CREDIT  
CORP./MV  
STEVEN ALPERT/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/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.

Harley-Davidson Financial ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2015 Harley-Davidson FLHXS Street Glide Special ("Vehicle"). Doc. #17.

James and Jessamine Diaz ("Debtors") did not oppose. Debtor's Chapter 13 Plan indicated that the Vehicle would be surrendered. No party in interest timely filed written opposition. This motion will be GRANTED.

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 amount 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.

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 Debtor has missed 23 pre-petition payments totaling \$14,4246.66 and two post-petition payment in the amount of \$1,238.84. The Movant has produced evidence that Debtors are delinquent at least \$15,485.50. Doc. #21. Additionally, Debtors have failed to maintain insurance coverage. Doc. #20.

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

17. [23-11774](#)-B-13     **IN RE: JAMES/KAMILA FRASER**  
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS  
8-25-2023    [\[7\]](#)

MICHAEL MEYER/MV  
GABRIEL WADDELL/ATTY. FOR DBT.  
RESPONSIVE PLEADING

DISPOSITION:        Withdrawn; taken off calendar.

NO ORDER REQUIRED.

Michael H. Meyer withdrew this Objection to Debtor's Claim of Exemptions on September 15, 2023. Doc. #23. Accordingly, this matter will be dropped and taken off calendar pursuant to the withdrawal.

18. [23-10075](#)-B-13     **IN RE: REFUJIO GUILLEN**  
[RSW-5](#)

MOTION TO CONFIRM PLAN  
8-23-2023    [\[125\]](#)

REFUJIO GUILLEN/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Continued to October 25, 2023, at 9:30 a.m.

ORDER:                The court will issue an order.

Refugio Guillen ("Debtor") moves for an order confirming the *Second Modified Chapter 13 Plan* dated May 16, 2023. Doc. #125.

Chapter 13 trustee Michael H. Meyer ("Trustee") timely objected to confirmation of the plan under 11 U.S.C. § 1322(a) and § 1325(a)(4)

because (1) the plan only provides for a 1% distribution to general unsecured creditors but Debtor's filings indicate a net monthly income of \$3223.46 in excess of the proposed monthly plan payment that has not been accounted for, (2) the plan does not propose to pay the entirety of the priority claim of the People of California, and Debtor's objection to that claim has not yet been sustained, and (3) the plan fails to provide for the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is at least the amount that would be paid on such claim if the estate of the Debtor(s) was liquidated under a Chapter 7 of this title on such date. Doc. #148.

The People of the State of California filed an objection both joining parts of the Trustee's objection and raising a separate objection based on the liquidation analysis. Doc. #152.

On September 19, 2023, the Debtor timely filed a reply brief responding to the two objections. Doc. #157. However, the Debtor's arguments rely heavily on documents alluded to but which have not as of yet been filed with the court, including a forthcoming Amended Schedule I&J, a Debtor's Declaration, and a forthcoming motion to accept an unsolicited offer, subject to higher and better bids, to buy Debtor's interest in the Tulare County Property. *Id.*

Accordingly, this motion to confirm plan will be CONTINUED to **October 25, 2023, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's and Creditor's objections to confirmation are withdrawn, the court will consider the matter in light of the aforementioned documents yet to be filed. If the Debtor elects 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 seven (7) days before the continued hearing date. If the Debtor does not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

19. [23-10075](#)-B-13     **IN RE: REFUJIO GUILLEN**  
[RSW-6](#)

MOTION TO AVOID LIEN OF THE PEOPLE OF THE STATE OF  
CALIFORNIA  
8-23-2023    [[132](#)]

REFUJIO GUILLEN/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

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

Refugio Guillen ("Debtor") moves for an order partially avoiding a judicial lien pursuant to 11 U.S.C. § 522(f) in favor of the People of the State of California ("Creditor") in the sum of \$2,000,000.00 and encumbering residential real property located at 3939 Green Hills Street, Bakersfield, California ("Property"). Doc. #132. The moving papers assert that the Property has a fair market value of \$525,000.00 at the time of filing, that Debtor still owes \$141,930.00 on the mortgage for the Property, and that Debtor is entitled to an exemption on his equity in the property up to the statutory limit of \$383,070.00. Doc. #135. Debtor contemplates that the lien will not be avoided as to the amount of Debtor's non-exempt equity (\$43,867.00). *Id.*

Creditor has filed a response indicating non-opposition to the partial avoidance, though Creditor does request that Creditor's filing attorney be allowed to sign off on any order approving the motion. Doc. #150. No other party in interest timely filed written opposition. This motion will be GRANTED.

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 any interested parties, including but not limited to affected creditors, the chapter 7 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 all such parties other than Creditor 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.

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). § 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), *aff'd*, 24 F.3d 247 (9th Cir. 1994)).

Here, a judgment was entered against Debtor in favor of Creditor in the amount of \$2,000,000.00 on June 7, 2022. *Ex. 4*, Doc. #134. The abstract of judgment was issued on September 20, 2022, and was recorded in Kern County on September 22, 2022. *Id.* That lien attached to Debtor's interest in Property. *Id.*



As of the petition date, Property had an approximate value of \$525,000.00. *Sched. A/B, Doc. #1*. Debtor claimed a \$383,070.00 exemption in Property pursuant to Cal. Code Civ. Proc. ("CCP") § 704.730. *Sched. C., Id.*

Property is encumbered by a first deed of trust in favor of Karpe Real Estate Center ("Karpe") in the amount of \$141,930.49. *Sched. D, Id.* Property's encumbrances can be illustrated as follows:

Creditor	Amount	Recorded	Status
1. Karpe	\$141,930.49		Unavoidable
2. Creditor	\$2,000,000.00	09/22/22	Avoidable

"Under the full avoidance approach, as used in *Brantz*, the only way a lien would be avoided 'in full' was if the debtor's gross equity were equal to or less than the amount of the exemption." *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hanger (In re Hanger)*, 217 B.R. 592, 596 (B.A.P. 9th Cir. 1997), *aff'd*, 196 F.3d 1292 (9th Cir. 1999), citing *In re Brantz*, 106 B.R. 62, 68 (Bankr. E.D. Pa. 1989) ("Avoidance of all judicial liens results unless (3) [the result of deducting the debtor's allowable exemptions and the sum of all liens not avoided from the value of the property] is a positive figure."), citing *In re Magosin*, 75 B.R. 545, 547 (Bankr. E.D. Pa. 1987) (judicial lien was avoidable in its entirety where equity is less than exemption).

Amount of judgment lien	\$2,000,000.00
Total amount of unavoidable liens	+ \$141,930.49
Debtor's claimed exemption in Property	+ 339,203.00
<i>Sum</i>	= \$2,481,133.49
Debtor's claimed value of interest absent liens	- \$525,000.00
Extent lien impairs exemption	= \$1,956,133.49

*All Points Capital Corp. v. Meyer (In re Meyer)*, 373 B.R. 84, 91 (B.A.P. 9th Cir. 2007); *accord. Hanger* 217 B.R. at 596, *Higgins v. Household Fin. Corp. (In re Higgins)*, 201 B.R. 965, 967 (B.A.P. 9th Cir. 1996); *cf. Brantz*, 106 B.R. at 68, *Magosin*, 75 B.R. at 549-50, *In re Piersol*, 244 B.R. 309, 311 (Bankr. E.D. Pa. 2000). The § 522(f)(2) formula can be simplified by going through the same order of operations in the reverse, provided that determinations of fractional interests, if any, and lien deductions are completed in the correct order. Property's encumbrances can be re-illustrated as follows:

Fair market value of Property		\$525,000.00
Total amount of unavoidable liens	-	\$141,930.49
Homestead exemption	-	\$339,203.00
Remaining equity for judicial liens	=	\$43,866.51
Creditor's judicial lien	-	\$2,000,000.00
Extent Debtor's exemption impaired	=	(\$1,956,133.49)

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is \$43,866.51 in remaining equity for liens to attach before Debtor's exemption will be impaired. The Creditor concedes that the lien is impaired by the debt to the extent that it exceeds \$43,866.51. Doc. #150.

Accordingly, the Debtor's Motion to Partially Avoid Lien is GRANTED to the extent that the lien on the Property exceeds \$43,866.51. The proposed order, which counsel for Creditor shall review and consent to before entry by the court, shall state that Creditor's lien is avoided from the subject Property only in part and shall continue as to Debtor's \$43,866.51 in non-exempt equity, and the order shall include a copy of the abstract of judgment as an exhibit.

20. [23-10075](#)-B-13      **IN RE: REFUJIO GUILLEN**  
[RSW-7](#)

OBJECTION TO CLAIM OF THE PEOPLE OF THE STATE OF CALIFORNIA,  
CLAIM NUMBER 4  
8-23-2023    [\[137\]](#)

REFUJIO GUILLEN/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION:      Denied as moot.

ORDER:              The court will enter the order

Refugio Guillen ("Debtor") has filed an Objection to the Claim of the People of the State of California ("Creditor"). Doc. #137. See POC #4. The Claims Register reflects that on September 14, 2023, Creditor filed an Amended Proof of Claim to address the issues raised by Debtor. POC #4-2. Accordingly, this objection will be OVERRULED as moot.

The court notes that on September 19, 2023, Debtor filed a *Response to People's Objection to Motion to Confirm* which noted the filing of the amended proof of claim but asserted *inter alia* that it was incorrect as to the balance owed. Doc. #156. Nevertheless, the Objection presently before the court was to the prior proof of claim and thus remains moot due to the filing of the amended proof of claim. If Debtor objects to the new proof of claim, he should file a new objection.

21. [23-11682](#)-B-13     **IN RE: DAVID WOODRUFF**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
9-6-2023    [\[19\]](#)

TENTATIVE RULING:            This matter will proceed as scheduled.

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

ORDER:                            The court will issue an order.

This matter will proceed as scheduled. If the fees due at the time of the hearing have not been paid prior to the hearing, the case will be dismissed on the grounds stated in the OSC.

If the installment fees due at the time of hearing are paid before the hearing, the order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

22. [20-12486](#)-B-13     **IN RE: DOUGLAS/HEATHERLY MICHAEL**  
[FW-2](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL,  
P.C. FOR GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)  
8-29-2023    [\[68\]](#)

GABRIEL WADDELL/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.

Gabriel Waddell ("Waddell") on behalf of Fear Waddell, P.C. ("Applicant"), counsel for Debtor(s) in the above-styled Chapter 13 case ("Debtor"), comes before the court on Applicant's Final Application for Fees And Expenses Pursuant to 11 U.S.C. § 329 and § 330. Doc. #68. The Application requests attorney fees in the amount of \$5,043.61 and expenses in the amount of \$151.61, for a total application of \$5,194.61. *Id.* Applicant brings this request pursuant to LBR 2016-1, 11 U.S.C. § 329 and 330, and Fed. R. Bankr. P, 2002, 2006, and 2017.

This is the Final Application brought by this Applicant, and it covers services rendered and actual, necessary expenses incurred from August 11, 2021, through August 2, 2023. Doc. #68. Included with the Application is a document signed by both Debtors stating

their opinion that the fees and expenses are reasonable and that they do not object to the Application. Doc. #70.

This Application also requests that the one previous fee applications granted on an interim basis be finalized. Doc.68. This court previously granted a Motion for Compensation on September 30, 2021, granting \$3,636.00 in fees and \$353.55 in costs, for a total award of \$3,989.55/Doc. #68, #65.

No party in interest timely filed written opposition. For the reasons outlined below, this Application is GRANTED.

This Application was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1), pursuant to which 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 may be unnecessary in the absence of opposition. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006).

As noted, no responses to the Application were filed, and so the defaults of the above-mentioned parties in interest are entered and the matter may 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.

Exhibits accompanying the Application include (A) a narrative summary, (B) itemized time entries by date and itemized costs, (C) itemized time entries by "Project," (D) a copy of the fee agreement, and (E) a form evincing the Debtors' consent to this Application Doc. #70.

11 U.S.C. § 330(a)(1)(A) and (B) permit approval of "reasonable compensation for actual, necessary services rendered by . . . [a] professional person, or attorney" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3).

The services provided by the Applicant described above and the expenses incurred were fully detailed in the exhibits accompanying the Application and have been reviewed by the court, which finds them to be reasonable, actual, and necessary. Accordingly, this motion will be GRANTED. Applicant will be awarded \$5,043.00 in attorney's fees and \$151.61 in expenses, for a total award of \$5,194.61. The Chapter 13 Trustee is authorized to pay the allowed

fees and expenses as an administrative expense to the extent the plan provides sufficient funding to do so.

23. [23-11391](#)-B-13     **IN RE: DEREK WHITE AND LILIYA RUDAN**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.  
MEYER  
9-13-2023    [\[15\]](#)

JOEL WINTER/ATTY. FOR DBT.

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

DISPOSITION:     Continued to October 25, 2023, at 9:30 a.m.

ORDER:             The court will issue an order.

Chapter 13 trustee Michael H. Meyer ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Derek White and Liliya Rudan (collectively "Debtors") on June 28, 2023, under 11 U.S.C. § 1325(a)(1) because of errors and/or omissions made by Debtors in their Schedule I and their Statement of Affairs. Doc. #15. Trustee further objects under 11 U.S.C. §1325(a)(4) because Debtors propose a 0% plan, but Schedules A/B include certain financial assets which are not exempted on Schedule C and which could be used to pay towards general unsecured creditors. *Id.* Finally, Trustee objects under Local Rule 3015-1(i) because Debtors have yet to file, serve, or set a valuation motion on the claim of Santander Consumer USA. *Id.*

This objection will be CONTINUED to October 25, 2023, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the Trustee's objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the objection not later than fourteen (14) days before hearing. The response shall specifically address each issue raised in Trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Trustee shall file and serve a reply, if any, no later than seven (7) days before 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 seven (7) days before 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.

11:00 AM

1. [23-10801](#)-B-7     **IN RE: GILBERT CABRERA**  
[23-1032](#)     [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
7-21-2023     [[1](#)]

BUENROSTRO ET AL V. CABRERA  
JOSEPH WEST/ATTY. FOR PL.

NO RULING.

2. [23-10801](#)-B-7     **IN RE: GILBERT CABRERA**  
[23-1033](#)     [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
7-21-2023     [[1](#)]

BUENROSTRO ET AL V. CABRERA  
JOSEPH WEST/ATTY. FOR PL.

NO RULING.

3. [17-14112](#)-B-13     **IN RE: ARMANDO NATERA**  
[20-1035](#)

RESCHEDULED PRE-TRIAL CONFERENCE RE: AMENDED COMPLAINT,  
THIRD-PARTY COMPLAINT  
12-23-2020     [[92](#)]

NATERA V. BARNES ET AL  
GABRIEL WADDELL/ATTY. FOR PL.

NO RULING.

4. [18-11651](#)-B-11     **IN RE: GREGORY TE VELDE**  
[19-1007](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
1-7-2019     [[1](#)]

SUGARMAN V. BOARDMAN TREE  
FARM, LLC ET AL  
JOHN MACCONAGHY/ATTY. FOR PL.

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

DISPOSITION: This matter will be continued until March 27, 2024,  
at 11:00 a.m.

ORDER: The court will issue the order.

5. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**  
[19-1033](#)

CONTINUED STATUS CONFERENCE RE: THIRD-PARTY COMPLAINT  
2-24-2021 [[163](#)]

SUGARMAN V. IRZ CONSULTING,  
LLC ET AL  
KYLE SCIUCHETTI/ATTY. FOR PL.

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

DISPOSITION: This matter will be continued until March 27, 2024,  
at 11:00 a.m.

ORDER: The court will issue the order.

The court has reviewed the Plaintiff's status report filed on September 20, 2023. Doc. #674. The report proposes certain amendments to the Discovery Plan, most notably by extending all deadlines by a full year or more and continuing the September 27, 2023, status conference to at least November 15, 2024. *Id.* The court is not inclined to allow this case to linger for over a year without oversight. Accordingly, this status conference shall be continued to March 27, 2024, at 11:00 a.m. (subject to future modifications of the court's calendar). Plaintiff shall file and serve a status report on or before March 20, 2024.

The status report also proposes that the Discovery Plan be modified in other ways which the court will not approve unilaterally under these circumstances. The court will consider such modifications if brought before it by a proper motion or application after notice and a hearing or if presented in the form of a joint stipulation of the parties.

6. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**  
[19-1033](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
10-30-2022 [[533](#)]

SUGARMAN V. IRZ CONSULTING,  
LLC ET AL  
JOHN MACCONAGHY/ATTY. FOR PL.

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

DISPOSITION: This matter will be continued until March 27, 2024,  
at 11:00 a.m.

ORDER: The court will issue the order.

7. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**  
[19-1037](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: NOTICE OF REMOVAL  
7-23-2018 [[1](#)]

IRZ CONSULTING LLC V. TEVELDE  
ET AL  
HAGOP BEDOYAN/ATTY. FOR PL.

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

DISPOSITION: This matter will be continued until March 27, 2024,  
at 11:00 a.m.

ORDER: The court will issue the order.

8. [23-10457](#)-B-11 **IN RE: MADERA COMMUNITY HOSPITAL**  
[23-1030](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
7-20-2023 [[1](#)]

MADERA COMMUNITY HOSPITAL V.  
UNITED STATES DEPARTMENT OF  
RILEY WALTER/ATTY. FOR PL.  
CONTINUED TO DECEMBER 13, 2023 PER ORDER DOCKET #12

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

DISPOSITION: Continued to December 13, 2023, at 11:00 a.m. per  
prior order of the court at Doc. #12.

9. [23-10886](#)-B-7 **IN RE: LISA ANDERSON**  
[23-1031](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT  
7-21-2023 [[1](#)]

HAMILTON ET AL V. ANDERSON  
LEAH ZABEL/ATTY. FOR PL.

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

DISPOSITION: Continued to October 25, 2023, at 11:00 a.m.



ORDER:                   The court will issue an order.

The docket reflects that a summons was reissued in this matter that resets the Status Conference to October 25, 2023, at 11:00 a.m. Accordingly, this status conference will be continued until that date and time.

**11:30 AM**

1. [23-12041](#)-B-11   **IN RE: BALJINDER/RITU SINGH**  
[LKW-2](#)

MOTION TO USE CASH COLLATERAL AND/OR MOTION FOR ADEQUATE  
PROTECTION  
9-15-2023   [\[13\]](#)

RITU SINGH/MV  
LEONARD WELSH/ATTY. FOR DBT.

NO RULING.