



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, September 30, 2026
Department A – Courtroom #11
Fresno, California

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

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

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

Please also note the following:

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

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

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

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

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

1. [26-13301](#)-A-11 **IN RE: HOTEL CHARLOTTE**
[BSH-5](#)

MOTION TO DISMISS CASE
9-16-2026 [[63](#)]

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after the hearing.

On September 23, 2026, the court granted the debtor's ex parte motion for order shortening time to hear the debtor's motion to dismiss its chapter 11 case. Order, Doc. #75. This motion was set for hearing on September 30, 2026 at 9:30 a.m. pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). 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.

Hotel Charlotte ("Debtor"), the debtor and debtor-in-possession in this Subchapter V chapter 11 case, moves the court to dismiss Debtor's bankruptcy case for cause pursuant to 11 U.S.C. § 1112(b). Doc. #63.

Any party in interest, including the debtor, may move to dismiss a chapter 11 bankruptcy case. "Dismissal of a chapter 11 case under 11 U.S.C. § 1112(b) requires a two-step analysis." Moore v. United States Tr. For Region 16 (In re Moore), 583 B.R. 507, 511 (C.D. Cal. 2018). It must first be determined that there is "cause" to act, and it then must be determined that dismissal, rather than conversion to chapter 7, is in the best interests of the creditors and the estate. Id. (citing Nelson v. Meyer (In re Nelson), 343 B.R. 671, 675 (B.A.P. 9th Cir. 2006)). While § 1112(b)(4) identifies specific conduct constituting cause, "bankruptcy courts may look beyond 11 U.S.C. § 1112(b)(4) and 'consider other factors as they arise, and to use its equitable powers to reach an appropriate result in individual cases.'" Id. at 512 (quoting Pioneer Liquidating Corp. v. United States Tr. (In re Consol. Pioneer Mortg. Entities), 248 B.R. 368, 375 (B.A.P. 9th Cir. 2000)).

The court finds that cause exists to dismiss Debtor's chapter 11 case. Debtor is a general partnership that owns and operates a hotel located at 18736 Main Street, Groveland, California (the "Hotel"). Decl. of Finn Horsley, Doc. #65. Since the filing of Debtor's chapter 11 bankruptcy case, Debtor has evaluated the Hotel's operating performance, liquidity, anticipated revenues, operating costs, secured obligations, administrative expenses, financing alternatives, and prospects for a chapter 11 reorganization. Id. Debtor has determined that it does not have a viable source of financing, capital contribution, sale transaction, refinancing or other restructuring alternative that would allow Debtor to propose and confirm a feasible chapter 11 plan within a reasonable period. Id. Debtor further determined that continued administration of its

chapter 11 case would impose additional administrative expenses without a reasonable prospect that the Hotel can be rehabilitated through chapter 11 or that a confirmable plan can be proposed. Id. Based on the evidence before the court, the court finds cause exists to dismiss Debtor's chapter 11 case pursuant to § 1112(b) of the Bankruptcy Code.

The court also finds that dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate. A review of Debtor's schedules shows that there is no equity in Debtor's assets after considering secured claims, and Debtor agrees. Doc. ##20, 55; Horsley Decl., Doc. #65. Because there is no equity in Debtor's assets to be realized for the benefit of the estate if Debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, pending opposition being raised at the hearing, the court will GRANT the motion and dismiss Debtor's chapter 11 bankruptcy case.

2. [26-11617](#)-A-11 **IN RE: AMIREPAIR I INC.**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
4-10-2026 [[1](#)]

LISA HOLDER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to November 18, 2026 at 9:30 a.m.

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

Based on the debtor's status report filed on September 23, 2026 (Doc. #148), the court will continue this chapter 11 status conference to November 18, 2026 at 9:30 a.m. if the debtor's July monthly operating report has been filed by the date of the hearing. If the status conference is continued to November 18, 2026, the debtor shall file and serve an updated status report on or before November 10, 2026.

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

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
8-10-2026 [[1](#)]

NANCY KLEPAC/ATTY. FOR DBT.

NO RULING.

The Order re Chapter 11 Status Conference; Claims Bar Date and Notice Thereof (Doc. #7), issued by this court on August 12, 2026 and served on the debtor and counsel for the debtor on August 14, 2026 (Doc. #10), requires the debtor to file and serve a status report at least 14 days prior to the date of the initial status conference. The debtor has not filed the initial status report.

At the initial status conference, counsel for the debtor should be prepared to explain to the court why an initial status report was not filed timely.

4. [26-13119](#)-A-11 **IN RE: DIESEL POWER TECHNOLOGY, INC.**
[CAE-1](#)

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

DAVID JOHNSTON/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

On September 2, 2026, the U.S. Trustee filed a motion to dismiss this case,
which is set for hearing on October 13, 2026 at 9:30 a.m. Doc. ##36, 41. The
court will continue this chapter 11 status conference to October 13, 2026 at
9:30 a.m. to be heard in conjunction with the hearing on that motion to
dismiss.

5. [26-12426](#)-A-12 **IN RE: TRI-FANUCCHI FARMS, LLC**
[WJH-9](#)

MOTION TO CONFIRM CHAPTER 12 PLAN
8-24-2026 [\[115\]](#)

TRI-FANUCCHI FARMS, LLC/MV
RILEY WALTER/ATTY. FOR DBT.
CONT'D TO 10/22/26 PER ECF ORDER #134

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

DISPOSITION: Continued to October 22, 2026 at 9:30 a.m.

NO ORDER REQUIRED.

The parties have stipulated to continue the hearing on the motion to confirm
the chapter 12 plan to October 22, 2026 at 9:30 a.m. The court already issued
an order on August 31, 2026. Doc. #134.

6. [25-26635](#)-A-9 **IN RE: DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1**
[BWS-3](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-2-2026 [[88](#)]

DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1/MV
JOSEPH BUCHMAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

7. [25-26635](#)-A-9 **IN RE: DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 9 VOLUNTARY PETITION
11-25-2025 [[1](#)]

JOSEPH BUCHMAN/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

Based on the debtor's status report filed on September 23, 2026 (Doc. #106),
the court will continue this chapter 9 status conference to October 13, 2026
at 9:30 a.m. to be heard with the debtor's motion for a claims bar date.

8. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[WJH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-4-2026 [[339](#)]

WESTLANDS CAPITAL PARTNERS 1, LLC/MV
PETER SAUER/ATTY. FOR DBT.
IAN QUINN/ATTY. FOR MV.

NO RULING.

9. [26-10548](#)-A-11 **IN RE: CLIFFORD CATON**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
2-10-2026 [[1](#)]

PETER FEAR/ATTY. FOR DBT.

NO RULING.

10. [26-10548](#)-A-11 **IN RE: CLIFFORD CATON**
[EK-2](#)

OBJECTION TO CLAIM OF THE LAW OFFICES OF LAURENCE F. PADWAY, CLAIM NUMBER 5
8-7-2026 [[170](#)]

REINERO FAMILY TRUST/MV
PETER FEAR/ATTY. FOR DBT.
ROYE ZUR/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

11. [26-10548](#)-A-11 **IN RE: CLIFFORD CATON**
[FW-14](#)

CONTINUED CHAPTER 11 DISCLOSURE STATEMENT
6-9-2026 [[109](#)]

PETER FEAR/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

12. [26-13301](#)-A-11 **IN RE: HOTEL CHARLOTTE**
[CAE-1](#)

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

BRIAN HADDIX/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Drop as moot.

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

The debtor set a motion to dismiss for hearing on this calendar (see matter #1
above). The court will grant the debtor's motion to dismiss unless opposition
is raised at the hearing. If the debtor's motion to dismiss is granted, the
court will drop this status conference as moot.

13. [26-13301](#)-A-11 **IN RE: HOTEL CHARLOTTE**
[BSH-4](#)

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

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Drop as moot.

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

The debtor set a motion to dismiss for hearing on this calendar (see matter #1
above). The court will grant the debtor's motion to dismiss unless opposition
is raised at the hearing. If the debtor's motion to dismiss is granted, the
court will drop this motion for use of cash collateral as moot.

14. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-3](#)

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

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

NO RULING.

15. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-5](#)

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

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

NO RULING.

16. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-6](#)

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

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

NO RULING.

1. [24-12000](#)-A-7 **IN RE: JOSHUA MITCHELL**
[JRL-2](#)

CONTINUED OBJECTION TO CLAIM OF MIGUEL LOPEZ AND MARIA LOPEZ, WHITNEY THOMPSON & JEFFCOACH, CLAIM NUMBER 3
7-6-2026 [\[70\]](#)

JOSHUA MITCHELL/MV
JERRY LOWE/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Treat as scheduling conference and set discovery deadlines.

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

This objection to proof of claim was set for hearing on at least 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1) and will proceed as scheduled. Maria Lopez and Miguel Lopez (together, "Claimants") timely filed written opposition on September 16, 2026. Doc. #82. Due to the disputed material factual issues raised by the parties, the court will treat the September 30 hearing as a scheduling conference.

As a procedural matter, Federal Rule of Bankruptcy Procedure ("Rule") 3007(a) governs the manner of service of an objection to a proof of claim. "The objection and notice shall be served on a claimant by first-class mail to the person most recently designated on the claimant's original or amended proof of claim as the person to receive notices, at the address so indicated[.]" Rule 3007(a)(2)(A). Service of the initial objection to claim did not satisfy Rule 3007(a)(2) because the proof of service does not indicate that the objection and related pleadings were served by mail timely. Doc. #76. Claimants objected to the improper service in their initial opposition and subsequently stipulated with the debtor to continue the hearing on this objection to September 30, 2026 and allow Claimants time to file a supplemental opposition. Doc. #79. Claimants are deemed to have waived any objection to the manner of service. The court encourages counsel for the debtor to review the local and Federal Rules of Bankruptcy Procedure to ensure future matters are served properly.

Joshua David Mitchell ("Debtor"), the debtor in this chapter 7 case, objects to the amended proof of claim filed by Claimants ("Claim 3"). Debtor's Obj., Doc. #70. Claim 3 asserts a general unsecured claim in the amount of \$186,527.91 for alleged damages arising from landscaping work performed at Claimants' residence. Doc. #70; Claim 3.

Debtor argues Claim 3 should be disallowed in its entirety or, in the alternative, significantly reduced because Debtor unequivocally disputes the alleged damages asserted in Claim 3 resulted from Debtor's "negligent and unlicensed work" on Claimants' property. Further, Debtor believes the liability remains disputed because there is no judgment establishing liability against Debtor and the amount claimed has never been liquidated through trial or

arbitration. Doc. #70. Debtor's objection is supported by the Declaration of Joshua David Mitchell, Doc. #72.

Claimants' response to the objection reasserts the damages and penalties arising from Debtor's negligent and unlicensed work allegedly done by Debtor and his company, JDM Landscape, Inc. ("JDM"). Doc. #82; Ex. A, Doc. #86. Specifically, Claimants believe they are entitled to damages in the aggregate amount of \$186,527.91, which is based on the following: (1) a statutory right to disgorgement of the amounts paid to Debtor in the amount of \$78,600 for performing unlicensed work under Business and Professions Code § 7031 ("Damages for Unlicensed Work"); (2) a right to damages paid to additional contractors in the amount of \$32,577.81 to repair and correct the inadequate work ("Damages for Additional Contractors"); (3) a right to be paid the sum that the Contractor's State License Board ("CSLB") ordered Debtor to pay Claimants in the amount of \$80,975.10 ("Damages for CSLB"); (4) additional damages for repair to Claimants' pool filter on or around September 15, 2023 ("Additional Damages") in the amount of \$1,875.00; and (5) a credit in the amount of \$7,500.00 for amounts paid on JDM's license bond. Doc. #82. Claimants' response is supported by the Declaration of Paul R. Gaus, Declaration of Jessica L. Thomason, and Declaration of Maria Lopez, Doc. ##83-85.

"A proof of claim executed and filed in accordance with [the Federal Rules of Bankruptcy Procedure] shall constitute prima facie evidence of the validity and amount of the claim." Rule 3001(f). "The filing of an objection to a proof of claim 'creates a dispute which is a contested matter' within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief." Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (quoting Adv. Comm. Notes accompanying Rule 9014). If there is a disputed material factual issue, contested matters should generally be resolved "only after holding an evidentiary hearing at which the testimony of witnesses is taken in the same manner as it is in adversary proceedings." Reliance Steel & Aluminum Co. v. Locklin (In re Locklin), BAP No. CC-14-1446, 2015 Bankr. LEXIS 4116, at *14 (B.A.P. 9th Cir. Dec. 7, 2015). The Ninth Circuit "has held that the allegations set forth in a properly-filed proof of claim constitute prima facia evidence for purposes of ruling on a claim objection." Id. at *14 (citing Lundell, 223 F.3d at 1040).

A proof of claim that is properly executed is "strong enough to carry over a mere formal objection without more." Lundell, 223 F.3d at 1039 (quoting Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir. 1991)). "To defeat the claim, the objector must come forward with sufficient evidence and 'show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves.'" Id. (quoting Holm, 931, F.2d at 623)). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." Id. (quoting Ashford v. Consol. Pioneer Mortg. (In re Consol. Pioneer Mortg.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995)). "The ultimate burden of persuasion remains at all times upon the claimant." Id.

Debtor disputes any liability to Claimants and believes Claimants have failed to establish a valid enforceable debt against Debtor. Doc. #70. To the extent Debtor objects to Claim 3 on the basis that the amount claimed has never been liquidated through trial or arbitration, that objection is overruled because this court can make that determination. To the extent Debtor objects to Claim 3 because there is no judgment establishing liability against Debtor, the court agrees that this is a disputed material fact requiring an evidentiary hearing.

"Ordinarily, a corporation is regarded as a legal entity, separate and distinct from its stockholders, officers and directors, with separate and

distinct liabilities and obligations.' Sonora Diamond Corp. v. Superior Court, 83 Cal. App. 4th 523, 538 (2000)." West Valley Med. Partners, LLC v. Shapow (In re Shapow), 599 B.R. 51, 71 (Bankr. C.D. Cal. 2019).

Throughout Claimants' response papers, Claimants repeatedly refer to the liability of Debtor's company, JDM, and Debtor as one and the same. However, based on the documentation filed with Claimants' response, it appears the Damages for Unlicensed Work and Damages for CSLB are liabilities of JDM and not liabilities of Debtor. Exs. A & Q, Doc. #86. As for the Damages for Additional Contractors and Additional Damages, Claimants assert those damages were incurred by Claimants for work completed prior to the CSLB industry expert site inspection to repair and correct Debtor's inadequate work and further repair work to the pool filter. Decl. of Maria Lopez, Doc. #82; Ex. S, Doc. #86. Again, it is unclear whether the liability for the Damages for Additional Contractors and the Additional Damages is a liability of JDM or a liability of Debtor individually.

All evidence filed by Claimants in response to Debtor's objection points to Claim 3 arising out of liabilities of JDM and not liabilities of Debtor. Unless there is a basis for piercing the corporate veil and holding Debtor liable for JDM's debts, the objection to Claim 3 should be sustained. Because Claim 3 is based on material facts entirely denied by Debtor and appears to constitute liabilities of JDM and not Debtor individually, an evidentiary hearing is necessary to resolve disputed material factual issues. See In re Locklin, 2015 Bankr. LEXIS 4116, at *18 (finding that the bankruptcy court committed reversible error when it disallowed claimant's alter-ego claim without holding an evidentiary hearing).

Accordingly, this matter is deemed a contested matter, and the September 30 hearing will proceed as a scheduling conference. Pursuant to Rule 9014(c), the federal rules of discovery apply to contested matters. At the September 30 hearing, the parties shall be prepared for the court to set necessary discovery deadlines and scheduling a conference to set an evidentiary hearing.

2. 26-11700-A-7 **IN RE: JOE/MARIA CORTEZ**
FAT-2

MOTION TO AVOID LIEN OF CITIBANK N.A.
8-31-2026 [\[26\]](#)

MARIA CORTEZ/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Derham-Burk (In re

Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

Joe Louie Cortez Jr. and Maria Guadalupe Cortez ("Debtors"), the debtors in this chapter 7 case, move pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien of CitiBank, N.A. ("Creditor") on the residential real property commonly referred to as 2301 Geneva Dr., Modesto, California 95350 (the "Property"). Doc. #26; Am. Schedule C, Doc. #13; Schedule D, Doc. #1.

In order to avoid a lien under 11 U.S.C. § 522(f)(1), the movant must establish four elements: (1) there must be an exemption to which the debtor would be entitled under § 522(b); (2) the property must be listed on the debtor's schedules as exempt; (3) the lien must impair the exemption; and (4) the lien must be either a judicial lien or a non-possessory, non-purchase money security interest in personal property listed in § 522(f)(1)(B). 11 U.S.C. § 522(f)(1); Goswami v. MTC Distrib. (In re Goswami), 304 B.R. 386, 390-91 (B.A.P. 9th Cir. 2003) (quoting In re Mohring, 142 B.R. 389, 392 (Bankr. E.D. Cal. 1992)).

Debtors filed the bankruptcy petition on April 17, 2026. Doc. #1. A judgment was entered against debtor Joe Louie Cortez Jr. in the amount of \$6,019.22 in favor of Creditor on March 2, 2023. Ex. A, Doc. #29. The abstract of judgment was recorded pre-petition in Stanislaus County on April 5, 2023, as document number 2023-0014955. Ex. A, Doc. #29. The lien attached to Debtors' interest in the Property located in Stanislaus County. Doc. #26. The Property also is encumbered by a lien in favor of Rocket Mortgage in the amount \$178,813.00. Schedule D, Doc. #1. Debtors claimed an exemption of \$181,387.00 in the Property under California Code of Civil Procedure § 704.730. Am. Schedule C, Doc. #13. Debtors assert a market value for the Property as of the petition date at \$360,200.00. Am. Schedule A/B, Doc. #13.

Applying the statutory formula:

Amount of Creditor's judicial lien		\$6,019.22
Total amount of all other liens on the Property (excluding junior judicial liens)	+	\$178,813.00
Amount of Debtors' claim of exemption in the Property	+	\$181,387.00
		\$366,219.22
Value of Debtors' interest in the Property absent liens	-	\$360,200.00
Amount Creditor's lien impairs Debtor's exemption		\$6,019.22

After application of the arithmetical formula required by § 522(f)(2)(A), the court finds there is insufficient equity to support Creditor's judicial lien. Therefore, the fixing of this judicial lien impairs Debtors' exemption in the Property and its fixing will be avoided.

Debtors have established the four elements necessary to avoid a lien under 11 U.S.C. § 522(f)(1). Accordingly, this motion is GRANTED. The proposed order shall state that Creditor's judicial lien is avoided on the subject Property only and include a copy of the abstract of judgment as an exhibit.

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-27-2026 [\[13\]](#)

LAKEVIEW LOAN SERVICING, LLC/MV
PETER SAUER/ATTY. FOR DBT.
FANNY WAN/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Derham-Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Lakeview Loan Servicing, LLC as served by Rocket Mortgage, LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to real property located at 212 Arbor Drive S., Madera, California 93636 ("Property"). Doc. #13.

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

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least eleven complete pre- and post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$38,483.64, and the entire balance of \$429,018.54 is due. Decl. of Annie Murchison, Doc. #15. According to the debtor's Statement of Intention, the Property will be surrendered. Doc. #1.

The court also finds that the debtor does not have any equity in the Property and the Property is not necessary to an effective reorganization because the debtor is in chapter 7. The Property is valued at \$358,800.00 and the debtor owes \$429,018.54. Murchison Decl., Doc. #15.

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

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

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

4. [23-10619](#)-A-7 **IN RE: VICTOR AGUILAR MAGANA**
[RSW-1](#)

MOTION TO AVOID LIEN OF CAVALRY SPV I, LLC
9-2-2026 [\[25\]](#)

VICTOR AGUILAR MAGANA/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires a motion to avoid a lien under 11 U.S.C. § 522(f) be served "in the manner provided for service of a summons and complaint by Rule 7004." Service of the motion on Calvary SPV I, LLC ("Creditor") does not satisfy Rule 7004.

Rule 7004(b)(3) provides that service upon an unincorporated association be mailed "to the attention of an officer, managing or general agent, or to any other agent authorized by appointment or law to receive service of process[.]" Fed. R. Bankr. P. 7004(b)(3). The certificate of service filed in connection with this motion does not show that Creditor, which is a limited liability company, was served to the attention of any officer, managing or general agent, or to any other agent authorized by appointment or law. See Doc. #29. Further, a review of the docket shows no attorney for Creditor has appeared for Creditor in this bankruptcy case and no officer has been designated to receive service for Creditor in this bankruptcy case. While the debtor properly served Calvary Portfolio Services, LLC pursuant to Rule 7004, there is nothing in the record to indicate the relationship between Creditor and Calvary Portfolio Services, LLC such that proper service on Calvary Portfolio Services, LLC is also proper service on Creditor.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

5. [23-10619](#)-A-7 **IN RE: VICTOR AGUILAR MAGANA**
[RSW-2](#)

MOTION TO AVOID LIEN OF VELOCITY INVESTMENTS, LLC
9-2-2026 [\[30\]](#)

VICTOR AGUILAR MAGANA/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Federal Rule of Bankruptcy Procedure ("Rule") 9014(b) requires a motion to avoid a lien under 11 U.S.C. § 522(f) be served "in the manner provided for service of a summons and complaint by Rule 7004." Service of the motion on Velocity Investments, LLC ("Creditor") does not satisfy Rule 7004.

Rule 7004(b)(3) provides that service upon an unincorporated association be mailed "to the attention of an officer, managing or general agent, or to any other agent authorized by appointment or law to receive service of process[.]" Fed. R. Bankr. P. 7004(b)(3). The certificate of service filed in connection with this motion does not show that Creditor, which is a limited liability company, was served to the attention of any officer, managing or general agent, or to any other agent authorized by appointment or law. See Doc. #34. Further, a review of the docket shows no attorney for Creditor has appeared for Creditor in this bankruptcy case and no officer has been designated to receive service for Creditor in this bankruptcy case.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

6. [26-12620](#)-A-7 **IN RE: VERONICA GARCIA**

CONTINUED NOTICE OF INTENT TO CLOSE CASE WITHOUT ENTRY OF DISCHARGE
6-24-2026 [\[17\]](#)

RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to November 4, 2026 at 1:30 p.m.

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

The debtor initially set this hearing in objection to the court's Notice of Intent to Close Case Without Entry of Discharge dated June 24, 2026 ("Notice of Intent") to be heard on August 26, 2026. Doc. ##17, 22. The court continued the hearing on this objection to September 30, 2026 at 1:30 p.m. to allow the debtor the opportunity to file and serve a new motion to convert with a hearing date of September 30, 2026 at 1:30 p.m. This matter will proceed as scheduled.

As a procedural matter, the certificate of service filed in connection with the debtor's objection (Doc. #23) does not comply with the Notice of Intent. The

Notice of Intent states that the notice of hearing is to be served on the Office of the U.S. Trustee, trustee and trustee's attorney, if any. Doc. #17. Here, there is no attachment to the certificate of service filed by the debtor showing the parties, if any, served by the debtor and the addresses at which those parties were served. Thus, the court does not know whether the debtor properly served notice of her objection in the manner required by the Notice of Intent. However, because the debtor's objection does not provide valid grounds for entering a discharge in this bankruptcy case even if served properly, the court will consider the merits of the debtor's objection notwithstanding any procedural service issues.

Veronica Ina Garcia ("Debtor"), the debtor in this chapter 7 case, objects to the Notice of Intent whereby the court informed Debtor that the court has determined that Debtor is not entitled to a discharge pursuant to 11 U.S.C. § 727(a)(8), and so the court will close this case without entry of a discharge. Doc. #17, 22.

Section 727(a)(8) of the Bankruptcy Code provides in relevant part that: "[t]he court shall grant the debtor a discharge, unless - . . . (8) the debtor has been granted a discharge under this section . . . in a case commenced within 8 years before the date of the filing of the petition [.]" 11 U.S.C. § 727(a)(8).

Here, Debtor filed this chapter 7 case on June 2, 2026. Debtor previously received a discharge on March 25, 2019 in a chapter 7 case that was filed on October 25, 2018. Case No. 18-14337, Doc. #34. Because Debtor was granted a discharge in a chapter 7 case that commenced less than eight years before Debtor filed this case, Debtor is ineligible to receive a discharge in her current chapter 7 case by operation of law.

Debtor does not contest these facts in her objection. Doc. #22. To resolve Debtor's discharge ineligibility issue, Debtor proposes to convert her case from chapter 7 to chapter 13. Doc. #22. However, that matter is being denied for improper notice. See calendar matter #14 below. The court will continue this objection to allow Debtor to re-file a properly noticed motion to convert and, if granted, this objection will be moot.

Accordingly, this objection will be continued to November 4, 2026 at 1:30 p.m. Not later than October 7, 2026, Debtor shall file and serve a motion to convert with a hearing date of November 4, 2026 at 1:30 p.m.

7. [26-12923](#)-A-7 **IN RE: MARCUS BEEDLE**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-31-2026 [\[18\]](#)

TOYOTA LEASE TRUST/MV
ALAINA YBARRA/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.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Derham-Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Toyota Lease Trust ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2025 Mazda CX-50, VIN: 7MMVABBM5SN323027 ("Vehicle"). Doc. #18.

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

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least five complete pre- and post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$1,994.86. Decl. of Jamal Walker, Doc. #21.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. The debtor's possession of the Vehicle stems from a lease agreement with Movant that matures on December 10, 2027, according to which the debtor does not own the Vehicle. Ex. A, Doc. #22.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to gain immediate possession of the Vehicle pursuant to applicable law. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the debtor has failed to make at least five pre- and post-petition payments to Movant in accordance with the lease agreement.

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-31-2026 [\[80\]](#)

NOBLE CREDIT UNION/MV
BENNY BARCO/ATTY. FOR DBT.
KAREL ROCHA/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Derham-Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

As a procedural matter, the exhibits filed in connection with this motion do not comply with LBR 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. The declaration and exhibits were filed as a single document. E.g., Doc. #85.

The movant, Noble Credit Union ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to real property located at 2494 N. Redda Road, Fresno, California 93737 ("Property"). Doc. #80.

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtors have failed to make at least 22 complete pre- and post-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$16,909.76, and the entire balance of \$90,673.32 is due. Decl. of Ryan Blunt, Doc. #85.

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

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

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the debtors have failed to make at least 22 payments, both pre- and post-petition, to Movant.

9. [26-13228](#)-A-7 **IN RE: ELIZABETH ZARAGOZA PIMENTEL**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-31-2026 [\[15\]](#)

TOYOTA MOTOR CREDIT
CORPORATION/MV
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

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

The certificate of service showing that the motion and supporting documents were served on all parties in interest (Doc. #20) does not comply with Local Rule of Practice ("LBR") 9004-1(c), which requires that all certifications shall be signed by the person offering the evidentiary material contained in the document. Specifically, LBR 9004-1(c)(1)(B) states that signatures of persons other than the registered user may be indicated "[t]hrough the use of '/s/Name' or a software-generated electronic signature in the signature block where signatures would otherwise appear." Here, the name of the person signing the certificate of service was not indicated above the "Print Name" line and was not typed on the "Signature" line with the "/s/" before the name, which deems notice of the motion improper. Therefore, this motion is denied without prejudice.

10. [26-12853](#)-A-7 **IN RE: FELICIANO VALDEZ VEJAR AND EDITH CERVANTES VALDOVINOS**
[PFT-1](#)

OPPOSITION RE: TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR AT
SEC. 341(A) MEETING OF CREDITORS
8-24-2026 [\[17\]](#)

ERIC ESCAMILLA/ATTY. FOR DBT.

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

DISPOSITION: Conditionally denied.

ORDER: The court will issue the order.

The chapter 7 trustee's motion to dismiss is CONDITIONALLY DENIED.

The debtors shall attend the meeting of creditors rescheduled for October 8, 2026 at 3:00 p.m. If the debtors fail to do so, the chapter 7 trustee may file a declaration with a proposed order and the case may be dismissed without a further hearing.

The time prescribed in Federal Rules of Bankruptcy Procedure 1017(e)(1) and 4004(a) for the chapter 7 trustee and the U.S. Trustee to object to the debtors' discharge or file motions for abuse, other than presumed abuse, under 11 U.S.C. § 707, is extended to 60 days after the conclusion of the meeting of creditors.

11. [26-14056](#)-A-7 **IN RE: HEZEKIAH ERAN**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
9-14-2026 [\[12\]](#)

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

On September 29, 2026, the court issued an order approving the debtor's application to have the chapter 7 filing fee waived. Doc. #17. Therefore, this order to show cause is vacated.

12. [26-12288](#)-A-7 **IN RE: JON MOTSENBOCKER AND NELLY MENDOZA**
[JRL-1](#)

MOTION TO COMPEL ABANDONMENT
8-5-2026 [\[16\]](#)

NELLY MENDOZA/MV
JERRY LOWE/ATTY. FOR DBT.

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

The motion was resolved by stipulated order entered on September 25, 2026. Doc. #27.

13. [26-13491](#)-A-7 **IN RE: STEPHEN TUGGY**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-26-2026 [\[13\]](#)

AMERICAN HONDA FINANCE CORPORATION/MV
GRISELDA TORRES/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.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Derham-Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, American Honda Finance Corporation ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2024 Acura ZDX, VIN: 4W5KHM0R0RZ501527 ("Vehicle"). Doc. #13.

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

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least two complete pre- and post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$1,185.26. Decl. of James Rich, Doc. #15. Movant also is unable to verify the debtor has insurance coverage on the Vehicle. Id. According to the debtor's Statement of Intention, the Vehicle will be surrendered. Doc. #1.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. The debtor's possession of the Vehicle stems from a

lease agreement with Movant that matures on July 28, 2027, according to which the debtor does not own the Vehicle. Ex. A, Doc. #16.

Accordingly, the motion will be granted pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to permit Movant to gain immediate possession of the Vehicle pursuant to applicable law. No other relief is awarded.

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) will be ordered waived because the debtor has failed to make at least two pre- and post-petition payments to Movant in accordance with the lease agreement and there is lack of confirmation that the Vehicle is insured.

14. [26-12620](#)-A-7 **IN RE: VERONICA GARCIA**
[MTC-1](#)

MOTION TO CONVERT CASE FROM CHAPTER 7 TO CHAPTER 13
9-8-2026 [\[34\]](#)

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The notice of hearing does not state whether written opposition needed to be filed, which is only permitted pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1) if the notice of hearing and related motion papers are filed and served at least 28 days prior to the hearing date. Here, the amended notice of hearing was filed and served on September 8, 2026, which is less than 28 days prior to the September 30 hearing date, so written opposition was not required pursuant to LBR 9014-1(f)(2). The notice of hearing must include the applicable opposition requirements for LBR 9014-1(f)(1) or (f)(2).

As a further procedural matter, the notice of hearing, memorandum of points and authorities, declaration and exhibits filed in connection with this motion do not comply with LBR 9004-2(c)(1), which requires notices of hearing, memorandum of points and authorities, declarations and exhibits to be filed as separate documents. Here, the notice of hearing, memorandum of points and authorities, supporting declaration and exhibits were filed as a single document along with the motion. E.g., Doc. #34. In the future, each of the documents - the motion, the notice of hearing, memorandum of points and authorities, supporting declaration, and exhibits - should be filed as separate documents.

The court encourages the debtor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.