



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

Hearing Date: Wednesday, September 30, 2026

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

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

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

Please also note the following:

- Parties in interest and/or their attorneys may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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

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

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.

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. [26-13201](#)-B-13 **IN RE: JAMES MAHONEY**
[LGT-1](#)

MOTION TO DISMISS CASE
9-1-2026 [\[22\]](#)

LILIAN TSANG/MV
DAVID JOHNSTON/ATTY. FOR DBT.

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

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

DISPOSITION: Denied as moot.

ORDER: The court will prepare the order.

On September 29, 2026, James Mahoney ("Debtor") filed an *Application to Dismiss Chapter 13 Case*. Accordingly, this *Motion to Dismiss* will be DENIED as moot.

2. [24-12302](#)-B-13 **IN RE: MONICA RUBI VILLATORO**
[RSW-3](#)

MOTION TO MODIFY PLAN
8-17-2026 [\[55\]](#)

MONICA RUBI VILLATORO/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.

Monica Rubi Villatoro ("Debtor") moves for an order confirming the *Third Modified Chapter 13 Plan* dated August 17, 2026. Docs. #55, #59. Debtor's current plan was confirmed on June 3, 2026. Doc. #52.

No party has timely objected.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. 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).

1. Debtor to pay an aggregate of \$14,058.39 through August 2026. Beginning in September 2026, the monthly plan payment will increase from \$1,696.00 to \$1,850.00.
2. Section 3.06 is modified to provide that Debtor's counsel shall be paid a total of \$1,300.00 through August 2026. Beginning in September 2026, the dividend to Debtor's counsel will increase from \$117.50 to \$130.56.
3. Class 1 Creditor Freedom Mortgage shall be paid an aggregate of \$7,954.64 through August 2026. Regular monthly mortgage payments to resume in September 2026, with all missed payments to be paid along with late fees by month 60.
4. Class 1 Creditor Freedom Mortgage shall be paid an aggregate of \$3,357.93 on the real estate arrears through August 2026. Beginning in September 2026, the arrears dividend will increase from \$790.36 to \$839.45.
5. The plan is otherwise unchanged.

Compare Doc. #46 and #59.

Debtor avers that this modification is necessary because Debtor fell behind on plan payments. Doc. #58. This is confirmed by Debtors' *Amended Schedule I & J* dated August 19, 2026, which reflects a monthly net income of \$1,868.03, an increase from the Debtor's net monthly income of \$1,702.93 as reflected on the prior Schedule J, dated April 21, 2026. Doc. #50.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

3. [26-13302](#)-B-13 **IN RE: ROSENDO/MICHELLE CASTILLO**
[JRL-1](#)

MOTION TO VALUE COLLATERAL OF EVERBRIGHT, LLC
8-26-2026 [14](#)

MICHELLE CASTILLO/MV
JERRY LOWE/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.

Rosendo and Michelle Castillo (collectively "Debtors") move for an order valuing solar panels ("the Property") at \$1,000.00 under 11 U.S.C. § 506(a). Doc. #14. The Property is encumbered by a purchase money security interest in favor Everbright, LLC ("Creditor"), and

the total amount owed on Creditor's claim is \$34,331.62 as of the petition date. *Id.*

Debtor complied with Fed. R. Bankr. Pro. Rules 3012(b) and 7004(b)(3) by serving Creditor a copy of the motion by first-class mail to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. Doc. #18.

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

11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within one year preceding the filing of the petition, and (3) the collateral is any thing of value other than a motor vehicle.

11 U.S.C. § 506(a)(1), which applies to all debtors under this title, states:

An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to set off is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

11 U.S.C. § 506(a)(2) states:

If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.

Here, Debtor Michelle Castillo ("Michelle") declares that Debtors borrowed money from Creditor to purchase the Property on or about April 23, 2023. Doc. #16. This is inaccurate but not fatally so; the UCC-1 lien filing statement attached as an exhibit to the motion indicates that April 23, 2023, was the date the lien was recorded, but the purchase agreement attached to Creditor's proof of claim contains Debtors signatures dated March 28, 2023. Regardless of which date is used, it is clear that the Property was purchased more than one year prior to the July 15, 2026, petition date. Doc. #17 (Exhibit A); POC #17, pg. 20. Thus, the elements of § 1325(a)(*) are not met and § 506 is applicable.

Michelle further declares, based on her research into the "very limited market for used solar panels similar to [Debtors'] in age and condition," the Property has a replacement value of \$1,000.00. Doc. #16. Debtor is competent to testify as to the value of the panels. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at \$1,000.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

4. [24-13508](#)-B-13 **IN RE: DENISE JACKSON**
[SL-3](#)

MOTION TO MODIFY PLAN
8-14-2026 [\[54\]](#)

DENISE JACKSON/MV
SCOTT LYONS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 28, 2026, at 9:30 a.m.

ORDER: The court will prepare the order.

Denise Jackson ("Debtor") moves for confirmation of the *Second Modified Chapter 13 Plan* dated August 14, 2026. Docs. #54, #56. On August 26, 2026, Lilian G. Tsang ("Trustee") objected to confirmation. Doc. #60. On September 16, 2026, Debtor filed a Reply asking the court to overrule the Objection and confirm the plan or, alternatively, to continue this matter to allow the Trustee time to review Debtor's most recent pay advices and bank statements. Doc. #64.

On September 21, 2026, the Trustee filed a Reply to the Response, raising the new objection to certain expenses listed in Debtor's Amended Schedule J dated September 16, 2026, specifically \$50.00 a month for extra-curricular activities for Debtor's son and \$400.00 for a personal trainer for her son for badminton. Doc. #67.

The court finds Debtor's request for continuance to be well-taken. This matter is hereby CONTINUED to October 28, 2026, at 9:30 a.m. Any sur-response by Debtor to Trustee's Reply shall be due no later than fourteen (14) days before the continued hearing date, with any sur-reply by Trustee due seven (7) days before the continued hearing date.

5. [26-13516](#)-B-13 **IN RE: TIMOTHY/LORNA SABBATINI**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-10-2026 [\[19\]](#)

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

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

DISPOSITION: Withdrawn.

No order is required.

On September 23, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #29.. Accordingly, this Objection is WITHDRAW

6. [26-10622](#)-B-13 **IN RE: IDALAFAYE DAVIS**
[MAZ-3](#)

MOTION TO CONFIRM PLAN
8-24-2026 [\[51\]](#)

IDALAFAYE DAVIS/MV
MARK ZIMMERMAN/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.

Idalafaye Davis ("Debtor") seeks an order confirming the *Third Modified Chapter 13 Plan* dated August 24, 2026. Docs. #51, #53. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Debtor to pay an aggregate of \$13,963.00 for months 1-6, and then \$4,417.30 for months 7-60.
2. Outstanding Attorney's fees to be paid as follows: \$0.00 for months 1-6. A balance of \$10,000.00 to be paid in months 7-60 at \$185.19 per month.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. Lakeview Loan Servicing, LLC (Class 1, mortgage). Prepetition arrears to be paid \$0.00 for months 1-6, and \$657.68 for months 7-60. Creditor to be paid an aggregate of 10,795.80 for months 1-6. Regular payments to resume in September 2026. All missed payments to be paid by month 60.
 - b. Balboa Thrift and Loan (Class 2A). Creditor to be paid an aggregate of \$480.75 in months 1-5. A monthly dividend of \$166.08 for months 7-60.
 - c. Class 4 Creditors Exeter Finance and U.S. HUD to be paid directly by Debtor.
4. A 100% dividend to general unsecured creditors with claims estimated at approximately \$15,019.25.

Doc. #53.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations

will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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.

7. [26-13425](#)-B-13 **IN RE: WENDY MATHIEU**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-10-2026 [\[14\]](#)

LILIAN TSANG/MV
GREGORY SHANFELD/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 28, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Wendy Dawn Msathieu ("Debtor") on July 23, 2026, on the following basis:

1. Debtor's Schedule D must be amended to reflect the secured claim of the U.S. Dept. of Housing and Urban Development.
2. The dividend to be paid to Class 2A creditor Capital One Auto Finance must increase from \$253.17 to \$254.45 per month.
3. Debtors have failed to provide Trustee with a Class 1 Checklist or other statements regarding Class 1 claimant Carrington Mortgage Services.
4. Schedule I must be amended to list Debtor's employer's address accurately.

Doc. #14.

This objection will be CONTINUED to October 28, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the 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 **7 days before the hearing**. If the 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.

8. [26-12830](#)-B-13 **IN RE: SARAH MEDINA AND ISAU PEREZ MEDINA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-3-2026 [\[13\]](#)

LILIAN TSANG/MV
BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On September 22, 2026, Sarah Elizabeth Medina and Isau Perez Medina ("Debtors") filed their *First Modified Chapter 13 Plan*. Doc. #30. Accordingly, this Trustee's *Objection to Confirmation* of the Chapter 13 Plan dated June 17, 2026 (Doc. #13), will be DENIED as moot.

9. [26-13631](#)-B-13 **IN RE: PATRICIA REED**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
9-11-2026 [\[13\]](#)

RICHARD STURDEVANT/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 28, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Patricia Reed ("Debtor") on July 31, 2026, on the following basis:

1. Debtor's monthly plan payment must increase from \$1,211.49 to \$1,292.58 to satisfy the liquidation test

Doc. #13.

This objection will be CONTINUED to October 28, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the

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

If the 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 **7 days before the hearing**. If the 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.

10. [26-12640](#)-B-13 **IN RE: ADAM GEORGE**
[DEI-2](#)

MOTION TO CONFIRM PLAN
8-25-2026 [\[51\]](#)

ADAM GEORGE/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Adam George ("Debtor") moves for confirmation of the *First Modified Chapter 13 Plan* dated June 4, 2026. Docs. #51, #7.

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

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the initials of the attorney for the moving party (e.g., first, middle, and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

On June 15, 2026, Debtor filed a *Motion to Extend Automatic Stay*. Doc. #16.

The DCN for that motion was DEI-2. *Id.* The DCN for this motion is also DEI-2, and therefore, it does not comply with the local rules. Each separate matter filed with the court must have a different DCN.

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

11. [26-13242](#)-B-13 **IN RE: ALEJANDRA MARIN**
[LGT-1](#)

MOTION TO DISMISS CASE
9-1-2026 [\[30\]](#)

LILIAN TSANG/MV
MICHAEL KWASIGROCH/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

The Chapter 13 trustee Lilian G. Tsang ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay that is prejudicial to creditors and failure to confirm a chapter 13 plan. Doc. #30. Alejandra Lisbet Marin ("Debtor") did not oppose.

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

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to 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.

Here, the chapter 13 trustee asks the court to dismiss this case for the following reasons:

- Debtor failed to appear and testify at the initial 341 Meeting of Creditors on August 25, 2026;
- Debtor failed to set a modified plan for hearing with notice to creditors;
- Debtor failed to provide the required documents to the Trustee;
- Debtor failed to file a complete plan;
- Debtor failed to file schedules and/or statements; and

- Debtor failed to accurately file schedules and/or statements.

Doc. #32.

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

Trustee cannot determine liquidation in this case as Debtor has filed inaccurate and/or incomplete schedules.

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

12. [26-10543](#)-B-13 **IN RE: FRANK/PATRICIA PEREZ**
[RSW-2](#)

MOTION TO CONFIRM PLAN
8-25-2026 [\[51\]](#)

PATRICIA PEREZ/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 28, 2026, at 9:30.

ORDER: The court will prepare the order.

Frank and Patricia Perez ("Debtors") seek an order confirming the *Second Modified Chapter 13 Plan* dated August 25, 2026. Docs. #51, #53. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Debtors monthly payment will be \$0.00 for months 1-6 and \$2,411.00 for months 7-60.
2. Outstanding Attorney's fees in the amount of \$7,500.00 to be paid through the plan commencing in month 7.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. Freedom Mortgage, Class 2A. Arrears of \$34,291.93 at 0.00% to be paid at \$635.04 commencing in month 7. Post-petition monthly payment will be \$1,402.81 with any missed payments to be cured within 60 months.
4. A dividend of 0% to unsecured creditors.

Doc. #51.

On September 15, 2026. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. Debtors must file an Amended Schedule I & J that demonstrates their ability to pay the proposed plan payment.

Doc. #64.

This motion to confirm plan will be CONTINUED to **October 28, 2026, at 9:30 a.m.** Unless this case is voluntarily converted to chapter 7, dismissed, or all 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. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

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.

13. [26-12244](#)-B-13 **IN RE: HECTOR GARCIA-DE DIOS AND YASMIN GARCIA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-7-2026 [\[17\]](#)

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined at the hearing.

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

This matter was previously heard on July 29, 2026. Doc. #20.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the Chapter 13 Plan filed by Hector Garcia-De Dios and Yasmin Garcia ("Debtors") on March 15, 2026, on the following basis:

1. Trustee requests a number of additional documentation and/or verification as listed under Objection #1 ("Miscellaneous Requests").

2. An amended Disclosure of Compensation of Attorney for Debtor form is needed.

3.

Doc. #17. Debtors filed a Response and a Supplemental Response. Docs. #25, #37. On September 16, 2026, the Trustee filed a Reply advising that Objection #1 which regarded Debtors' filings pertaining to Mrs. Garcia's retirement contribution, had not been resolved. Doc. #39. Trustee also raised two new objections:

4. Debtors are projected to pay off their retirement loan during the life of the plan, but there is no corresponding increase in Debtors' plan payment.

5. Debtors must provide their most recent pay advice to verify the retirement contribution and the retirement loan repayment amounts.

Doc. #39.

The court has previously given a generous continuance to Debtors and will not do so again. Unless the Trustee withdraws the objection, this matter will be called as scheduled. Depending on the outcome of that hearing, the court may SUSTAIN or OVERRULE the Objection or CONTINUE this matter for further proceedings.

14. [26-13044](#)-B-13 **IN RE: VERONICA AGUIRRE**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
9-9-2026 [[38](#)]

MARK ZIMMERMAN/ATTY. FOR DBT.
\$34.00 FILING FEE PAID 9/14/26

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 \$34.00 filing fee was paid on September 14, 2026. Accordingly, this order to show cause will be VACATED.

15. [26-13045](#)-B-13 **IN RE: DOLORES HERNANDEZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-12-2026 [\[13\]](#)

LILIAN TSANG/MV
MARK ZIMMERMAN/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITIN: Withdrawn.

No order is required.

On September 15, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #24. Accordingly, this Objection is WITHDRAWN.

16. [26-13147](#)-B-13 **IN RE: JAIME RANGEL AND SANDRA JUAREZ-CORONA**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-13-2026 [\[17\]](#)

LILIAN TSANG/MV
SIMRAN HUNDAL/ATTY. FOR DBT.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

This objection was originally heard on September 2, 2026. Doc. #20.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objected to confirmation of the *Chapter 13 Plan* filed by Jamie Rangel and Sandra Juarez-Corona ("Debtors") on July 15, 2026 on the following grounds:

1. Debtor's Schedule I must be amended to include the business income and expense statement so that a feasibility analysis can be performed.
 - a. Debtor advised Trustee at the 341 meeting of creditors that Debtor has obtained new employment. Trustee requests a copy of the offer letter and pay advices as they become available and also an amended Schedule I that accurately reflects the name and address of Debtor's new employer and other income information.
2. Trustee requests an amended Statement of Financial Affairs to include information about a pending wrongful termination case against Patterson Tow.

Doc. #17.

The court continued this objection to September 30, 2026. Doc. #20. Debtors were directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

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

17. [24-23150](#)-B-13 **IN RE: BRITTANY BUTLER**
[CRG-2](#)

MOTION TO MODIFY PLAN
8-11-2026 [\[57\]](#)

BRITTANY BUTLER/MV
CARL GUSTAFSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will prepare the order.

On September 24, 2026, Brittany Butler ("Debtor") filed a *Notice of Voluntary Dismissal* in the above-styled Chapter 13 proceeding. Doc. #74. Accordingly, this *Motion to Modify Plan* will be DENIED as moot.

18. [24-23150](#)-B-13 **IN RE: BRITTANY BUTLER**
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE
6-18-2026 [\[34\]](#)

DAVID CUSICK/MV
CARL GUSTAFSON/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot.

No order is required.

On September 24, 2026, Brittany Butler ("Debtor") filed a *Notice of Voluntary Dismissal* as to the above-styled case. Doc. #74. Accordingly, this *Motion to Dismiss Case* will be DENIED as moot.

19. [26-10750](#)-B-13 **IN RE: OSCAR ROMANVASQUEZ**
[CAE-2](#)

ORDER TO SHOW CAUSE
8-27-2026 [\[71\]](#)

SIMRAN HUNDAL/ATTY. FOR DBT.
DISMISSED 07/30/26

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

DISPOSITION: Vacated.

ORDER: The court will issue an order.

On September 10, 2026, attorney Simran Hundal filed a fee application in the above-styled case as directed by this court's *Order to Show Cause* dated August 27, 2026. Docs. ##74-78. Accordingly, the Order to Show Cause is hereby VACATED.

20. [26-13252](#)-B-13 **IN RE: BOBBI RODRIGUEZ**
[LGT-1](#)

MOTION TO DISMISS CASE
9-1-2026 [\[27\]](#)

LILIAN TSANG/MV
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 21, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

The trustee's motion to dismiss will be continued to October 21, 2026, at 9:30 a.m., to be heard in connection with the debtors' motion to confirm plan. See, Docs. ##37-40; BAR-1.

21. [26-13352](#)-B-13 **IN RE: BERNADETTE GAESTEL**
[RH-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LOANDEPOT.COM, LLC
8-27-2026 [\[18\]](#)

LOANDEPOT.COM, LLC/MV
MARK WOLFF/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.
WITHDRAWN

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

DISPOSITION: Withdrawn.

No order is required.

On September 11, 2026, Loandepot.com LLC withdrew this Objection to Confirmation. Doc. #31 Accordingly, this Objection is WITHDRAWN.

22. [26-13552](#)-B-13 **IN RE: JOHN SARHADI**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
9-10-2026 [\[26\]](#)

PAULDEEP BAINS/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

On September 24, 2026, John Martin Sarhardi ("Debtor") filed a *Motion to Confirm the First Amended Chapter 13 Plan* also dated September 24, 2026. Doc. #29. Accordingly, this *Objection to Confirmation* of the Chapter 13 Plan dated August 14, 2026, will be OVERRULED as moot.

23. [26-13553](#)-B-13 **IN RE: ANGELITA COPELYN-PEREZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
9-10-2026 [\[13\]](#)

FLOR DE MARIA TATAJE/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 28, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Angelita Fatima Copelyn-Perez ("Debtor") on July 30, 2026, on the following basis:

1. The 341 Meeting of Creditors has not been concluded, and the continued hearing is set for October 22, 2026. Also, Debtor has failed to provide certain required documents to Trustee, including the January 2026 P/L statement, the Class 1 Checklist and recent mortgage statement, and all bank statements for January 2026 through Jun 2026.

Doc. #13.

This objection will be CONTINUED to October 28, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the 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 **7 days before the hearing**. If the 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.

24. [26-11154](#)-B-13 **IN RE: JULIE MORIN**
[CAE-2](#)

ORDER TO SHOW CAUSE
8-27-2026 [\[55\]](#)

JOAQUIN NOLET/ATTY. FOR DBT.
DISMISSED 07/30/26; RESPONSIVE PLEADING

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

DISPOSITION: Vacated.

ORDER: The court will issue an order.

On September 14, 2026, attorney Joaquin Rene Nolet filed a fee application in the above-styled case as directed by this court's *Order to Show Cause* dated August 27, 2026. Docs. ##59-61. Accordingly, the Order to Show Cause is hereby VACATED.

25. [26-13055](#)-B-13 **IN RE: PETRA/JOSEPH RODRIGUEZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-13-2026 [\[21\]](#)

LILIAN TSANG/MV
FLOR DE MARIA TATAJE/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will prepare the order.

On September 11, 2026, Petra and Joseph Rodriguez ("Debtors") filed their *First Modified Chapter 13 Plan*. Doc. #34. Accordingly, this Objection to the Chapter 13 Plan filed on July 13, 2026, will be OVERRULED as moot.

26. [26-13355](#)-B-13 **IN RE: JENNIFER/FRANK CHAVEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-10-2026 [\[12\]](#)

LILIAN TSANG/MV
BENNY BARCO/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 28, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Jennifer and Frank Chavez ("Debtors") on July 20, 2026, on the following basis:

1. Trustee requests an Amended Schedule I with the business income and expense statement attached.
2. The Disclosure of Compensation of Attorney for Debtor is incomplete and does not match the official form.
3. The attachments to the Business Questionnaire is incomplete.

Doc. #12. On September 18, 2026, the Trustee filed a Supplemental Objection as follows:

1. Objection #1 is unresolved.
2. Objection #2 is resolved.
3. Objection #3 is resolved
4. New Objection. There is an inconsistency between the Debtors' monthly average income as reflected on Form 122C-1 and that as reflected by their bank statements for the last six months prepetition.

Doc. #16.

This objection will be CONTINUED to October 28, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

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

27. [26-13158](#)-B-13 **IN RE: ALI MUTHANA**
[LGT-1](#)

MOTION TO DISMISS CASE
8-28-2026 [\[22\]](#)

LILIAN TSANG/MV
DAVID JOHNSTON/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.

Lilian G. Tsang ("Trustee") moves for dismissal of the above-styled case for the reasons outlined below. Doc. #22.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the debtor to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

No party in interest responded to the motion, and the defaults of all non-responding parties are entered. This motion will be GRANTED.

Chapter 13 trustee Lilian G. Tsang ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors and failure to make all payments due under the plan. Doc #22.

Specifically, Trustee asks the court to dismiss this case for the following reasons:

- Debtor failed to appear and testify at the initial 341 Meeting of Creditors on August 11, 2026, and the continued 341 Meeting of Creditors on August 27, 2026;
- Debtor failed to set a plan as required by the Order Extending Time to File Missing Documents (Doc. #15);
- Debtor failed to provide the required document(s) to the Trustee;
- Debtor has failed to commence making plan payments;
- Debtor has failed to make payments due under the plan.

Doc. #24.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915

(B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors because the debtor failed to provide Trustee with the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make any payments due under the plan.

In addition, the trustee has reviewed the schedules and determined that the Debtor's assets are over encumbered and are of no benefit to the estate. Because there is no equity to be realized for the benefit of the estate, dismissal is in the best interest of creditors and the estate. Doc. #22.

For the foregoing reasons, unless the Trustee withdraws this motion, this motion will be GRANTED, and the case dismissed.

28. [24-10360](#)-B-13 **IN RE: REBECCA SAVALA**
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE
8-7-2026 [\[66\]](#)

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

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

DISPOSITION: Withdrawn.

No order is required.

On September 28, 2026, the Trustee withdrew this Motion to Dismiss. Accordingly, this motion is WITHDRAWN.

29. [25-22060](#)-B-13 **IN RE: MARIA SANABRIA**
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE
7-20-2026 [\[70\]](#)

DAVID CUSICK/MV
PETER MACALUSO/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On this same date, the court granted the motion of Maria Sanabria ("Debtor") for confirmation of the *First Modified Chapter 13 Plan* dated August 14, 2026. See *Item # 30* below. Accordingly, this *Motion to Dismiss* will be DENIED as moot.

30. [25-22060](#)-B-13 **IN RE: MARIA SANABRIA**
[PGM-2](#)

MOTION TO MODIFY PLAN
8-14-2026 [\[76\]](#)

MARIA SANABRIA/MV
PETER MACALUSO/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.

This matter was originally heard on February 7, 2026. Doc. #55.

Maria Sanabria ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated August 14, 2026. Docs. #76, #79. Debtor's current plan was confirmed on August 8, 2025. Doc. #60.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. 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).

On September 9, 2026, David Cusick ("Trustee") filed a Notice of Non-Opposition. Doc. #87. No other party has timely objected, and the defaults of all nonresponding parties are entered.

The modified Chapter 13 Plan proposes to modify the confirmed plan as follows:

1. Debtor to pay an aggregate of \$3,139.00 through August 2026. Commencing September 25, 2026, plan payments will increase from \$285.99 to \$330.00 for 44 months.
2. The monthly dividend to Class 2B creditor Exeter Financial will increase from \$130.00 to \$160.00.

Compare Doc. #3 and Doc. #79.

Debtor avers that this modification is necessary because Debtor fell behind in plan payments due to expenses from a move to Sacramento and leaving her job to care for her mother who is suffering from dementia. Doc. #80. This is confirmed by Debtors' *Amended Schedule I & J*, dated August 14, 2026, which reflects a monthly net income of

\$333,69, up from \$310.00 which was her monthly net income as calculated in the petition documents. *Compare* Doc. #1, Doc. #81.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. The Trustee has registered his non-opposition. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

31. [26-13561](#)-B-13 **IN RE: MICHAEL DOMINGUEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
9-11-2026 [\[12\]](#)

MATTHEW GRECH/ATTY. FOR DBT.

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

DISPOSITION: Continued to October 28, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Michael Anthony Dominguez, Jr. ("Debtor") on July 30, 2026, on the following basis:

1. The plan fails the liquidation test. If liquidated in Chapter 7, the estate would yield a 100% distribution plus interest to general unsecured creditors.
2. Debtor's rental income is omitted from Form 122C-1.
3. The 341 Meeting of Creditors has not been concluded. The continued meeting is set for October 8, 2026. Debtor has also failed to provide documents including (a) proof of rental income and (b) pay advices for the 60-day prepetition for Debtor's non-filing spouse.

Doc. #12.

This objection will be CONTINUED to October 28, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor shall file and serve a written response to the Objection not later than **14 days before the hearing**. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any reply shall be served no later than **7 days before the hearing**.

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 **7 days before the hearing**. If the 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.

32. [22-10562](#)-B-13 **IN RE: SYLVIA OGDEN**
[TCS-4](#)

MOTION TO VACATE DISMISSAL OF CASE
9-15-2026 [\[78\]](#)

SYLVIA OGDEN/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
DISMISSED 08/20/2026;

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: To be determined at the hearing.

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

On August 20, 2026, the court dismissed this case for failure to make plan payments. Docs. #75-76. Sylvia Ogden ("Debtor") moves for vacatur of that order. Doc. #78.

Debtor declares that she became homeless and did not receive notice of the motion to dismiss; that because she does not pay rent, she now has the funds to bring her Plan current from her Social Security benefits; that she believes she may be able to supplement her income going forward by providing childcare; and that she anticipates obtaining VA housing. Doc. #80. Debtor was 48 months into a 60-month plan at the time of dismissal, and Debtor declares her desire to complete the current Chapter 13 case as opposed to filing a new case. *Id.* While it is unclear from the moving papers, the motion suggests that Debtor might have or be planning to move to Georgia. Doc. #78. The Debtor filed a Notice of Address Change in August 2025 with a Georgia address (Doc. #44). The Trustee's Notice of Delinquency and Intent to Dismiss was served on the Debtor at her new address.

Debtor's declaration says "they"-Debtor, landlord, or new tenant? - are renting a house so it is unclear why the Debtor cannot provide an accurate address. The declaration supporting the motion suggests that the only reason the Plan could be brought current is because she has not had to pay rent recently. She also references potential VA housing, and childcare income could be in her future. But that does not equate to feasibility of the Plan going forward after Debtor pays rent. Also, there is no indication of an appropriate address for Debtor to receive notices.

Written opposition was not required and may be presented at the hearing.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless

opposition is presented at the hearing, the court intends to enter the respondents' defaults. 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).

After hearing from Debtor and any opposition at the hearing, the court may GRANT or DENY this motion or CONTINUE this matter for additional proceedings.

33. [26-13168](#)-B-13 **IN RE: KELLI GROVES**
[LGT-2](#)

MOTION TO DISMISS CASE
8-27-2026 [\[32\]](#)

LILIAN TSANG/MV
DISMISSED 9/3/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An order dismissing this case was already entered on September 3, 2026. Doc. #38. The motion will be DENIED AS MOOT.

34. [26-11670](#)-B-13 **IN RE: TIMOTHY STIVERS**
[RH-2](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY ALLY BANK
7-15-2026 [\[20\]](#)

ALLY BANK/MV
RAJ WADHWANI/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

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

DISPOSITION: Sustained.

ORDER: The court will issue an order.

This objection was originally heard on August 26, 2026. Doc. #24.

Creditor Ally Bank ("Creditor") objects to confirmation of the Chapter 13 Plan filed by Timothy Stivers ("Debtor") on April 16, 2026, on the following basis:

1. The plan fails to pay the applicable *Till* rate. Creditor asserts that the current prime rate is 6.750%, and so the appropriate interest rate to be paid on Creditor's claim (currently 6.00% through the plan) must increase to 8.750%.

Doc. #20.

The court continued this objection to September 30, 2026. Doc. #24. Debtor was directed to file and serve a written response to the objection not later than fourteen (14) days before the continued hearing date, or file a confirmable, modified plan in lieu of a response not later than seven (7) days before the continued hearing date, or the objection would be sustained on the grounds stated in the objection without further hearing. *Id.*

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

35. [26-12073](#)-B-13 **IN RE: STEVEN/SHELLEY BIERER**
[RSW-2](#)

MOTION TO CONFIRM PLAN
8-20-2026 [\[33\]](#)

SHELLEY BIERER/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 28, 2026, at 9:30 a.m.

ORDER: The court will prepare the order.

Steven and Shelley Bierer ("Debtors") seek an order confirming the *First Modified Chapter 13 Plan* dated August 20, 2026. Docs. #33, #35. No plan has been confirmed so far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. Debtor is delinquent in plan payments by \$1,581.00 as of September 15, 2026, with additional payments accruing.

Doc. #46.

This motion to confirm plan will be CONTINUED to October 28, 2026, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or all 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. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

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

36. [26-10585](#)-B-13 **IN RE: KRISTINE DIAZ**
[CAE-2](#)

ORDER TO SHOW CAUSE
8-27-2026 [\[32\]](#)

THOMAS MOORE/ATTY. FOR DBT.
RESPONSIVE PLEADING; DISMISSED 07/30/26

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

DISPOSITION: Vacated.

ORDER: The court will issue an order.

On September 11, 2026, attorney Thomas A. Moore filed a fee application in the above-styled case as directed by this court's *Order to Show Cause* dated August 27, 2026. Docs. ##35-37. Accordingly, the Order to Show Cause is hereby VACATED.

37. [25-10887](#)-B-13 **IN RE: ERIC/REBECCA GRIMM**
[JRL-7](#)

MOTION TO MODIFY PLAN
8-10-2026 [\[121\]](#)

REBECCA GRIMM/MV
JERRY LOWE/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.

Eric and Rebecca Grimm ("Debtors") move for an order confirming the *Fourth Modified Chapter 13 Plan* dated August 10, 2026. Docs. #121, #125. Debtor's current plan was confirmed on October 16, 2025. Doc. #95.

No party has timely objected.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the

defaults of the above-mentioned parties in interest are entered. 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).

The motion requests that the confirmed plan be modified as follows:

1. The monthly plan payment is \$3,046.21 for months 1-8. Beginning in month 9, the payment will drop to \$2,542.20 for months 9-60.
2. The plan is otherwise unchanged.

Compare Docs. #117 and #125.

Debtors aver that this modification is necessary because of a significant reduction in Debtors' income after their respective retirements. Doc. #33. This is confirmed by Debtors' *Amended Schedule I & J* dated January 4, 2026, which reflects a monthly net income of \$2,542.50. Doc. #105.

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

38. [26-13789](#)-B-13 **IN RE: ROLANDO VASQUEZ**
[DJP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-16-2026 [\[12\]](#)

EDUCATIONAL EMPLOYEES CREDIT UNION/MV
JERRY LOWE/ATTY. FOR DBT.
DON POOL/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: The court intends to grant the motion for relief on the grounds stated in the motion.

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

Educational Employees' Credit Union ("Movant") seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to a 2022 Tesla Model 3 Long Range Sedan (VIN: 5YJ3E1EB9NF135565) ("Vehicle"). Doc. #12. Movant also requests waiver of the 14-day stay of Fed. R. Bankr. P. 4001(a)(4). *Id.*

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

As an informative matter, Rules 4001(a)(1) and 9014(b) require a motion for relief from the automatic stay to be served pursuant to Rule 7004, which was done here. Doc. #18. But in Sections 6 of Movant's certificate of service, the declarant should have checked the appropriate boxes for first class mail under Rule 7004. *Id.* It appears that Movant did comply with Rule 7004 but failed to check the correct boxes evidencing the same.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

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 four (4) pre-petition payments in the amount of \$2,126.64 and one (1) post-payment in the amount of \$531.66. Docs. #14, #17. Additionally, Movant recovered possession of the Vehicle pre-petition in July 2026. *Id.* Since the Vehicle has been recovered, the only issue is disposition of the collateral.

In the absence of opposition at the hearing, this 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.

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 (5) pre- and post-petition payments and the Vehicle is a depreciating asset.

39. [26-13596](#)-B-13 **IN RE: KENNETH/SHAUNA KUCHTA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-10-2026 [\[14\]](#)

LILIAN TSANG/MV
JEFFREY ROWE/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Withdrawn.

No order is required.

On September 17, 2026, the Trustee withdrew this Objection to Confirmation. Doc. #20. Accordingly, this Objection is WITHDRAWN.

40. [24-12397](#)-B-13 **IN RE: WENDY MONTANIO**
[RAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
8-27-2026 [\[65\]](#)

SELECT PORTFOLIO SERVICING, INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
SHANA STARK/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn; taken off calendar.

NO ORDER REQUIRED.

Movant Select Portfolio Servicing, Inc. withdrew this motion for relief from the automatic stay on September 24, 2026. Doc. #72. Accordingly, this matter will be taken off calendar pursuant to the withdrawal.

41. [26-13199](#)-B-13 **IN RE: LABELL MILLS**
[LGT-2](#)

MOTION TO DISMISS CASE
8-27-2026 [\[27\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Granted or denied without prejudice.

ORDER: The court will issue an order.

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

Chapter 13 trustee Lilian G. Tsang ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors and failure to make all payments due under the plan. Doc #27.

Specifically, the Trustee asks the court to dismiss this case for the following reasons:

- Debtor failed to appear and testify at the initial 341 Meeting of Creditors on August 25, 2026;
- Debtor failed to provide the required document(s) to the Trustee;
- Debtor failed to file correct form for Chapter 13 Plan;
- Debtor has failed to commence making plan payments; and
- Debtor has failed to make payments due under the plan.

Doc. #29.

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

case as the debtor has failed to make any payments due under the plan.

Debtor has filed inaccurate and/or incomplete schedules; and thus, Trustee cannot determine liquidation in this case. Doc. #27.

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

11:00 AM

1. [26-12208](#)-B-7 **IN RE: KRISSELL MUSACCHIO**
[26-1042](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
7-22-2026 [\[1\]](#)

MUSACCHIO V. UNITED STATES DEPARTMENT OF EDUCATION ET AL
D. GARDNER/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to January 6, 2027, at 11:00 a.m.

ORDER: The court will prepare the order.

On September 16, 2026, Krissell Musacchio, Debtor-Plaintiff in this adversary proceeding, filed a Status Conference Statement requesting a continuance of at least 90 days to allow Musacchio's counsel to engage in the "attestation" process with the U.S. Attorney and the Department of Education. The court finds this request well taken. This Status Conference is CONTINUED to January 6, 2027, at 11:00 a.m.

2. [24-13719](#)-B-7 **IN RE: B & B AGRI SERVICES INC.**
[GG-1](#)

CONTINUED STATUS CONFERENCE RE: MOTION TO DISMISS CASE
7-28-2025 [\[33\]](#)

DINAH PARLAN/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
ANERIO ALTMAN/ATTY. FOR MV.

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

DISPOSITION: Continued to October 21, 2026, at 11:00 a.m.

ORDER: The court will prepare the order.

This matter is hereby CONTINUED to October 21, 2026, at 11:00 a.m.

3. [24-13719](#)-B-7 **IN RE: B & B AGRI SERVICES INC.**
[25-1032](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
7-22-2025 [\[1\]](#)

VETTER V. PARLAN
D. GARDNER/ATTY. FOR PL.

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

DISPOSITION: Continued to October 21, 2026, at 11:00 a.m.

ORDER: The court will prepare the order.

This matter is hereby CONTINUED to October 21, 2026, at 11:00 a.m.

4. [24-13719](#)-B-7 **IN RE: B & B AGRI SERVICES INC.**
[25-1033](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
7-22-2025 [\[1\]](#)

VETTER V. PARLAN
D. GARDNER/ATTY. FOR PL.

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

DISPOSITION: Continued to October 21, 2026, at 11:00 a.m.

ORDER: The court will prepare the order.

This matter is hereby CONTINUED to October 21, 2026, at 11:00 a.m.

5. [26-10325](#)-B-7 **IN RE: TAYLOR FLINT**
[26-1043](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
7-27-2026 [\[1\]](#)

FLINT V. UNITED STATES DEPARTMENT OF EDUCATION
ANTHONY ROTHMAN/ATTY. FOR PL.

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

DISPOSITION: Concluded and dropped from the calendar.

ORDER: The court will issue an order.

On July 27, 2026, Taylor Flint ("Plaintiff") filed this adversary proceeding against the United States Department of Education ("DOE"). Doc. #1. A summons was issued setting September 30, 2026, at 11:00 a.m. as the date and time for the initial status conference. Doc. #3. On July 31, 2026, Plaintiff filed a certificate

of service which purported to serve a copy of the complaint on the U.S. Attorney General, the Civil Process Clerk for the U.S. Attorney's Office serving this district, and the "Office of the General Counsel" for the DOE. Doc. #6.

Service on a government agency is governed by Rule 7004(b)(4) and (b)(5), which state that service on the United States must be effectuated by mailing the summons and complaint via First Class Mail to (i) the civil-process in the United States attorney's office in the district where the action is filed; (ii) the Attorney General of the United States in Washington, D.C.; and (iii) in an action attacking the validity of an order of a United States officer or agency that is not a party, also to that officer or agency. Fed. R. Bankr. 7004(b)(4)-(5). In other words, for any adversary proceeding brought against a government agency, the plaintiff must serve the summons and complaint to the local U.S. Attorney's office, to the attention of the U.A. Attorney General, and to the attention of the named individual overseeing that agency. In this instance, that means that the complaint must be served on the Secretary of Education, which is currently Linda McMahon.

The Certificate of Service states that the DOE was served through the Office of the General Counsel and to the attention of the Deputy General Counsel, instead of the Secretary of the DOE. Doc. #6. Accordingly, service was inadequate.

This status conference is CONCLUDED and DROPPED from the calendar. Plaintiff shall have a new summons be issued and serve the complaint in accordance with the Federal Rules of Civil Procedure.

Plaintiff is cautioned that there are time limits for proper service of parties and that delay may result in dismissal of the adversary proceeding.

6. [24-12751](#)-B-7 **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**
[24-1062](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
12-27-2024 [[1](#)]

AMERICAN AGCREDIT, FLCA ET AL V. SINGH ET AL
MICHAEL GOMEZ/ATTY. FOR PL.

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

DISPOSITION: Continued to October 28, 2026, at 11:00 a.m.

ORDER: The court will prepare the order.

On September 24, 2026, the parties in this adversary proceeding submitted a Joint Status Report advising that this matter had settled and that as proposed settlement agreement was circulating. Doc. #75. The parties requested a 30-day continuance to finalize and execute the agreement and then to dismiss this adversary proceeding. *Id.*

This request is well-taken. This matter is CONTINUED to October 28, 2026, at 11:00 a.m.

7. [24-12751](#)-B-7 **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**
[24-1063](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
12-27-2024 [[1](#)]

FARM CREDIT SERVICES OF AMERICA, PCA V. SINGH ET AL
MICHAEL GOMEZ/ATTY. FOR PL.

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

DISPOSITION: Continued to October 28, 2026, at 11:00 a.m.

ORDER: The court will prepare the order.

On September 24, 2026, the parties in this adversary proceeding submitted a Joint Status Report advising that this matter had settled and that as proposed settlement agreement was circulating. Doc. #62. The parties requested a 30-day continuance to finalize and execute the agreement and then to dismiss this adversary proceeding. *Id.*

This request is well-taken. This matter is CONTINUED to October 28, 2026, at 11:00 a.m.

8. [26-10466](#)-B-7 **IN RE: BRYAN JOHNSON**
[26-1033](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-26-2026 [[1](#)]

JOHNSON V. JOHNSON
DEAN RALLIS/ATTY. FOR PL.

NO RULING.

9. [24-21966](#)-B-7 **IN RE: VILLA MARCHE STOCKTON ACQUISITIONS, LP**
[26-2012](#) [DML-3](#)

MOTION FOR ENTRY OF DEFAULT JUDGMENT
8-27-2026 [\[90\]](#)

FARRIS V. GT MADISON REALTY EQUITY, LLC ET AL
J. CUNNINGHAM/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

Nikki B. Farris, Chapter 7 Trustee ("Trustee" or "Plaintiff") seeks entry of a default judgment against the following defendants in the above-styled adversary proceeding:

1. Madison Realty Equities, LLC ("GP#1");
2. Madison Realty Equities, LLC ("GP#1 Successor Entity");
3. Ridgeway Investments, Inc., ("Ridgeway");
4. GT Madison Realty Equity, LLC, ("GP#2"); and
5. Gary Langendoen ("Langendoen").

(collectively "the Defaulting Defendants"). Doc. #90 *et seq.* Originally, Trustee also sought default judgment against Defendant GTM U.S. Senior Housing REIT, Inc. ("REIT"). Trustee and REIT later stipulated to an extension for REIT which allowed REIT to timely file an Answer. Docs. #54-58.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(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).

On September 16, 2026, REIT responded in opposition to the motion. Doc. #100. No other party in interest responded to the motion, and the defaults of all nonresponding parties are entered.

The court's docket reflects the following relevant filings and dates:

Doc. #30 (6/9/26)	The SAC is filed.
Doc. #34 (6/11/26)	The certificate of service of summons and SAC is filed. All defendants are served.
Docs. #37-42 (7/21/26)	Requests for entry of default are filed by Trustee as to all Defendants.
Docs. #50-51 (7/21/26)	Notice of Withdrawal of request for entry of default as to REIT. Stipulation between Trustee and REIT allowing REIT additional time to respond.

Docs. #54-58 (7/22/26)	Revised requests for entry of default are filed by Trustee as to Defaulting Defendants
Docs. #59-67 <i>passim</i> (7/28/26)	Entry of Default as to Defaulting Defendants
Doc. #90 (8/27/26)	Motion for Entry of Default Judgment
Doc. #100 (9/16/26)	Response by REIT
Doc. #102 (9/23/26)	Reply by Trustee

JURISDICTION

The United States District Court for the Eastern District of California has jurisdiction over this adversary proceeding under 28 U.S.C. § 1334(b) because this is a case arising under title 11. This court has jurisdiction to hear and determine this matter by reference from the District Court under 28 U.S.C. § 157(a). This is a "core" proceeding under 28 U.S.C. § 157(b)(2)(A) (matters concerning the administration of the estate), (E) (order to turn over property of the estate), and (O) (other proceedings affecting the liquidation of the assets of the estate). Venue is proper pursuant to 28 U.S.C. § 1409(a) because this adversary proceeding arises in a bankruptcy case pending in this judicial district.

BACKGROUND

The *Motion for Entry of Default Judgment* avers the following facts which the record supports:

The debtor in the underlying Chapter 7 proceeding is Villa Marche Stockton Acquisitions LP ("Debtor" or "Villa Marche"). Trustee alleges that, commencing in 2015, Villa Marche bought, financed, managed, and held for investment an assisted living facility at 1119 Rosemarie Lane, Stockton, California ("the Facility"). The Debtor's named general partners over the course of its relationship with the Facility have included at different times defendants GP#1, GP#1 Successor Entity, GP#2, Ridgeway, and GTM REIT (collectively, along with Langendoen who was allegedly a principal of some of the Defaulting Defendants ("the Defendants")).

In the course of administering Debtor's case, Trustee commenced this adversary proceeding seeking general partner contributions under applicable bankruptcy and non-bankruptcy law against the general partners of the Debtor and principals of same. The Trustee has amended the complaint twice to name the appropriate entity defendants and dismiss certain misidentified entities and their principals. The Second Amended Complaint ("SAC") is the operative complaint at this time.

The SAC contains only a single claim for relief against all Defendants: recovery of partnership contributions pursuant to 11 U.S.C. § 723(a) and Cal. Corp. Code §§ 16103, 16404, and 16405. The body of the Complaint contains the following language:

The Trustee commences this adversary proceeding for a judgment: (a) ordering an accounting of all benefits derived from the Debtor; (b) awarding contributions to the extent necessary to cure any deficiency in estate property to pay in full all claims as allowed in the parent bankruptcy case; and (c) granting such other and further relief as is just and proper.

Doc. #1. However, while a request for an accounting may be implicit in the invocation of § 723(a), there is no separate count demanding that relief.

The SAC was filed on June 9, 2026, and the summons was issued on June 9, 2026, setting July 29, 2026, as the date for the initial status conference. After the stipulation between Trustee and REIT, the clerk entered defaults as to each of the Defaulting Defendants.

This motion is supported by Exhibits consisting of eight agreements which purport to show the evolving corporate relationship of the various corporate defendants in this case. Doc. #93 (Exhibits A-H). Based on these documents, Trustee asserts the following facts:

GP#1 was a California limited liability company which became Debtor's first general partner pursuant to an agreement dated October 22, 2015. Langendoen and Ridgeway were identified as both members and managers of GP#1 in its January 13, 2021, statement of information. The LLC for GP#1 was cancelled on June 28, 2022, and Ridgeway later dissolved on December 8, 2022. GP#1 Successor Entity was also a California limited liability company which registered with the California Secretary of State on July 14, 2022, sixteen days after GP#1 was dissolved. Both GP#1 and GP#1 Successor Entity share the same corporate name, have the same principal address, and list Langendoen as manager/member.

GP#2 was a Delaware limited liability company which became Debtor's second general partner pursuant to a written agreement dated June 15, 2021.

Finally, REIT, also a Delaware corporation, became Debtor's third general partner pursuant to a written agreement dated August 21, 2023.

In its opposition, REIT does not dispute any of the aforementioned facts, nor does it deny that the Defaulting Defendants have, in fact, defaulted. Its objection is limited to its objection to how the Trustee proposes to allocate liability among the Defaulting Defendants and itself.

DISCUSSION

I.

Civ. Rule 55, as incorporated by Fed. R. Bankr. Pro. 7055, governs default judgments.

Obtaining a default judgment is a two-step process. See *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). First, the clerk of the court enters the default of the party [who has failed to plead or otherwise defend; the clerk or the court, depending on the nature of the plaintiff's claim, then enters a default judgment. Fed.R.Civ.P. 55(a) and (b), incorporated herein by Fed.R.Bankr.P. 7055.

Burkart v. Brack (In re Brack), Nos. 10-26347-D-7, 16-02037, DCN: CDH-001, 2016 Bankr. LEXIS 3625, at *2-3 (Bankr. E.D. Cal. Sep. 30, 2016).

Factors the court must consider include the following:

1. the possibility of prejudice to the plaintiff;
2. the merits of plaintiff's substantive claim;
3. the sufficiency of the complaint;
4. the sum of money at stake in the action;
5. the possibility of a dispute concerning material facts;
6. whether the default was due to excusable neglect; and
7. the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits.

In re Brack, 2016 Bankr. LEXIS 3625, at *3 (Bankr. E.D. Cal. Sep. 30, 2016).

"[A] default establishes the well-pleaded allegations of a complaint unless they are . . . contrary to facts judicially noticed or to uncontroverted material in the file." *Anderson v. Air West Inc. (In re Consol. Pretrial Proceedings in Air West Secs. Litig.)*, 436 F.Supp 1281, 1285-86 (N.D. Cal. 1977), citing *Thomson v. Wooster*, 114 U.S. 104, 114 (1885). Thus, a default judgment based solely on the pleadings may only be granted if the factual allegations are well-pled and only for relief sufficiently asserted in the complaint. *Benny v. Pipes*, 799 F.2d 487, 495 (9th Cir. 1986), *amended on other grounds*, 807 F.2d 1514 (9th Cir. 1987).

The court has broad discretion to require that a plaintiff prove up a case and require the plaintiff to establish the necessary facts to determine whether a valid claim exists supporting relief against the defaulting party. Entry of default does not automatically entitle a plaintiff to a default judgment. *Beltran*, 182 B.R. at 823; *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987) ("Rule 55 gives the court considerable leeway as to what it may require as a prerequisite to entry of a default judgment.").

II.

11 U.S.C. § 723(a) states:

If there is a deficiency of property of the estate to pay in full all claims which are allowed in a case under this chapter concerning a partnership and with respect to which a general partner of the partnership is personally liable, the trustee shall have a claim against such

general partner to the extent that under applicable non-bankruptcy law such general partner is personally liable for such deficiency.

The relevant portions of the California Corporations Code will not be repeated in their entirety, but, for purposes of this adversary proceeding, they establish (a) the role and limitations of the partnership agreement in forming the partnership [§ 16103], fiduciary duties that partners owe to the partnership and the other partners in the form of duties of loyalty and care [§ 16404], and the capacity of a partner (or, in this case, the Trustee stepping into the shoes of a partner) to maintain an action against any partner for breach of the partnership agreement or for violation of that partner's duties to the partnership [§ 16405].

GTM REIT's limited opposition to the instant motion does not oppose entry of default judgments as to the Defaulting Defendants. Doc. #100. Rather, GM REIT asks the court to "reject the erroneous theory of liability advanced against both GTM REIT and the defaulting defendants by" the Trustee. *Id.*

But the Trustee's contentions about partnership law and related accounting claims against general partners of limited partnerships fail as a matter of law. Under California law, when a person becomes a general partner of an existing limited partnership, the person's personal liability for the limited partnership's debts extends only to debts subsequently incurred. The new general partner would not be personally liable for preexisting debts of the limited partnership. GTM REIT became the Debtor's general partner on August 21, 2023. Thus, GTM REIT has no liability or responsibility for the Debtor's debts incurred before August 21, 2023. The substantial majority of the deficiency in the Debtor's estate consists of debts incurred before GTM REIT became the Debtor's general partner.

Id. at pg. 4 (citations omitted). Accordingly, GTM REIT argues, the court must consider each Defendant's individual liability at this stage of the proceedings and (GTM REIT goes on to argue) limit liability and damages to amounts equal only to the portion of the deficiency in Debtor's estate that each Defaulting Defendant would have been personally liable for under California law.

At present, the issues surrounding the liability of the various general partners past and present are too murky to allow for a clear determination of the parameters of any default judgment which the court could grant to Trustee. A hearing in this matter will proceed as scheduled, where the parties will have opportunity to clarify the issues. At present, the court is inclined to defer ruling on the instant motion until the conclusion of litigation against the non-defaulting Defendants.