



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, October 1, 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. [26-13608](#)-A-13 **IN RE: ABEL VIGIL**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-11-2026 [\[18\]](#)

LILIAN TSANG/MV
SETH HANSON/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on September 25, 2026. Doc. #22.

2. [26-14121](#)-A-13 **IN RE: SUSAN/TERRILL COX**
[SLC-1](#)

MOTION TO EXTEND AUTOMATIC STAY
9-10-2026 [\[9\]](#)

TERRILL COX/MV

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted only as to those creditors served with the motion.

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

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion only as to those creditors served with 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.

As an informative matter, the debtors served only two creditors with this motion, although their motion states that they served all creditors. However, according to the debtors' master address list (Doc. #3), the debtors have several additional creditors. To the extent this motion is granted, the automatic stay will be extended only as to SN Serving Corporation and Prestige Default Services LLC, as those are the two creditors served with this motion. Doc. #12. The court will not extend the stay to the debtors' creditors who were not served with the motion. For the parties' information, this court follows In re Thu Thi Dao, 616 B.R. 103, 104 (Bankr. E.D. Cal. 2020) (Klein, J.), which holds that the plain language of section 362(c)(3)(A) terminates the automatic

stay with respect to the debtor and property of the debtor but does not terminate the automatic stay with respect to the estate or property of the estate.

Debtors Susan Louise Cox and Terrill Lee Cox (together, "Debtors") move the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c) (3) (B). Doc. #9.

Debtors had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 26-10904 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on March 3, 2026 and dismissed on August 13, 2026. Decl. of Susan Cox, Doc. #11. Under 11 U.S.C. § 362(c) (3) (A), if a debtor had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the current case. Debtor filed this case on September 9, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on October 9, 2026.

Section 362(c) (3) (B) allows the court to extend the stay "to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]" 11 U.S.C. § 362(c) (3) (B).

Section 362(c) (3) (C) (i) creates a presumption that the case was not filed in good faith if (1) the debtor filed more than one prior case in the preceding year; (2) the debtor failed to file or amend the petition or other documents without substantial excuse, provide adequate protection as ordered by the court, or perform the terms of a confirmed plan; or (3) the debtor has not had a substantial change in his or her financial or personal affairs since the dismissal, or there is no other reason to believe that the current case will result in a discharge or fully performed plan. 11 U.S.C. § 362(c) (3) (C) (i).

The presumption of bad faith may be rebutted by clear and convincing evidence. 11 U.S.C. § 362(c) (3) (C). Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.'" Factual contentions are highly probable if the evidence offered in support of them instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition." Emmert v. Taggart (In re Taggart), 548 B.R. 275, 288 n.11 (B.A.P. 9th Cir. 2016) (citations omitted) vacated and remanded on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019).

In this case, the presumption of bad faith arises. Debtors failed to perform the terms of a proposed plan in the Prior Case. A review of the court's docket in the Prior Case disclosed a chapter 13 plan was not confirmed, the chapter 13 trustee ("Trustee") filed a motion to dismiss Debtors' case on July 6, 2026 for the failure of Debtors to make plan payments, and the court dismissed the Prior Case upon Trustee's declaration that Debtors failed to make all plan payments due under the proposed plan. See Case No. 26-10904, Doc. ##37, 39, 46. Debtors acknowledge that the Prior Case was dismissed for failure to timely make plan payments. Cox Decl., Doc. #11.

In support of this motion to extend the automatic stay, Debtors declare that the plan payments in the Prior Case were not received by Trustee due to their belief that they had set up auto payments to make their plan payments but failed to verify the plan payments had been made due to Mr. Cox having several

hospital stays during the months of April to June. Cox Decl., Doc. #11. Further, Debtors state they intend to make plan payments timely and do not anticipate a change or increase in their plan payments. Id. Debtors filed a proposed plan on September 9, 2026. Doc. #4. Debtors' Schedules I and J filed in this case list monthly income of \$4,423.01 and expenses of \$2,915.06, resulting in monthly net income of \$1,507.95. Schedules I and J, Doc. #1; Decl., Doc. #11. Debtors propose monthly plan payments in the amount of \$1,491.60 for months one (1) through twelve (12), and \$1,529.02 for months thirteen (13) through sixty (60). Plan, Doc. #4.

The court finds that Debtors' reasoning for delinquent payments in the Prior Case rebuts the presumption of bad faith that arose from the failure to make timely plan payments in the Prior Case and that Debtors' petition commencing this case was filed in good faith. Further, there is reason to conclude that this case will result in a confirmed plan that will be fully performed. Although the plan payments for months thirteen (13) through sixty (60) are greater than Debtors' current monthly net income, the increase is only \$21.07, and likely can be met through an increase in income for cost of living adjustments or a decrease in expenses.

Accordingly, pending opposition being raised at the hearing, the court will GRANT the motion and extend the automatic stay for all purposes only as to SN Serving Corporation and Prestige Default Services, unless terminated by further order of the court.

3. [24-11422](#)-A-12 **IN RE: IGNACIO/CASAMIRA SANCHEZ**
[FW-25](#)

MOTION TO SELL
9-10-2026 [\[265\]](#)

CASAMIRA SANCHEZ/MV
PETER FEAR/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was filed and served on at least 14 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Ignacio Sanchez and Casamira Ada Sanchez (together, "Debtors") move the court pursuant to 11 U.S.C. § 363 for an order authorizing the sale of the estate's undivided one-half interest in a parcel of real property located at 12271 East Nebraska Avenue, Selma, California, bearing APNs 393-072-05 and 393-072-30 (the "Property"), to the Edward D. and Diana Lynn Ramirez Revocable Living Trust of 2016 ("Buyer") for the purchase price of \$300,000.00, subject to higher and better bids at the hearing. Doc. #265.

Selling Property of Estate under 11 U.S.C. §§ 363(b) and 1206 Permitted

Pursuant to 11 U.S.C. §§ 363(b)(1), 1203 and 1206, a chapter 12 debtor-in-possession, after notice and a hearing, may "use, sell, or lease, other than in the ordinary course of business, property of the estate." 11 U.S.C.

§ 363(b)(1). The debtor in possession proposing a sale under § 363(b) must demonstrate a valid business justification for the sale and that the sale is proposed in good faith. 240 N. Brand Partners, Ltd. v. Colony GFP Partners, L.P. (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). "Good faith encompasses fair value, and further speaks to the integrity of the transaction." Id. (quoting In re Wilde Horse Enters., Inc. 136 B.R. 830, 842 (Bankr. C.D. Cal. 1991)). To make such a determination, "the court and creditors must be provided with sufficient information to allow them to take a position on the proposed sale." Wilde Horse Enters., 136 B.R. at 842.

Debtors and Buyer have entered into an agreement for the sale of the Property for \$300,000.00. Decl. of Casamira Ada Sanchez, Doc. #267. The terms of the current agreement are as follows: (1) Debtors agree to sell the estate's undivided one-half interest in the Property to the Buyer, which already owns the other undivided one-half interest; (2) the one-half interest in the Property consists of approximately 38.73 acres of cherries; and (3) the sale is in the amount of \$300,000.00 and is all cash. Id. The contract is conditioned upon approval by the bankruptcy court and subject to better and higher offers at the hearing. Id.

Debtors believe that approval of the sale on the terms set forth in the motion is in the best interests of creditors and the estate. Doc. #265. The preliminary title report on the Property lists taxes currently owed or in default, which will be paid through escrow. Sanchez Decl., Doc. #267; Ex. A, Doc. #268. The Property is further encumbered by a deed of trust in favor of Edward Ramirez and Diana Ramirez who, as trustees of Buyer, are the same persons purchasing the Property. Sanchez Decl., Doc. #267. Debtors state they have paid off this deed of trust but it is still showing up on the title report. Id. Buyers consent to the sale and do not require payoff of this deed of trust through escrow because the deed of trust has previously been satisfied. Id. Debtors also propose to distribute all of the net proceeds from this sale to the chapter 12 trustee to make payments pursuant to Debtors' confirmed chapter 12 plan. Id.

It appears that the sale of the Property is in the best interests of the estate, the Property will be sold for a fair and reasonable price, and the sale is supported by a valid business judgment and proposed in good faith. It is anticipated that the proposed sale will provide significant net proceeds to be distributed in accordance with Debtors' confirmed chapter 12 plan. Plan at ¶4.02, Doc. #153; Sanchez Decl., Doc. #267.

Accordingly, subject to opposition being raised and overbid offers made at the hearing, the court will GRANT Debtors' motion and authorize the sale of the Property pursuant to 11 U.S.C. § 363(b)(1).

4. [25-11923](#)-A-13 **IN RE: IRIS MURILLO**
[PK-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
3-18-2026 [[67](#)]

ELMER F. KARPE, INC./MV
ROBERT WILLIAMS/ATTY. FOR DBT.
PATRICK KAVANAGH/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

5. [26-11523](#)-A-13 **IN RE: CASEY GUINN**
[BSH-4](#)

CONTINUED MOTION TO CONFIRM PLAN
7-1-2026 [[52](#)]

CASEY GUINN/MV
BRIAN HADDIX/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The debtor filed a modified plan on September 24, 2026 (BSH-5, Doc. #67), with a motion to confirm the modified plan set for hearing on November 5, 2026 at 9:30 a.m. Doc. ##64-68.

6. [26-13524](#)-A-13 **IN RE: JOSALYNN AGUILERA AND NATHANIEL AGUILERA-RONQUILLO**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-10-2026 [[24](#)]

LILIAN TSANG/MV
SETH HANSON/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 5, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Josalynn Aguilera and Nathaniel Logan Aguilera-Ronquillo (together, "Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on July 29, 2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) a motion to value the collateral of Travis Credit Union is set for hearing on October 13, 2026 (Doc. #20) and must be determined by the court before Trustee can determine

feasibility of the Plan; (2) Debtors must address whether their retirement loan matures during the 60-month term of the Plan and whether the payments due under the Plan need to increase when the retirement loan is repaid in full; (3) Trustee requests (a) an amended Schedule I to list business income at line 8a, and (b) the required attachment for each business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income; and (4) Debtors have failed to provide statements for a Venmo account for the months of January 2026 through June 2026. Doc. #24.

This objection will be continued to November 5, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than October 22, 2026. 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 Debtors' position. Trustee shall file and serve a reply, if any, by October 29, 2026.

If Debtors elect to withdraw this 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 October 29, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

7. [26-12426](#)-A-12 **IN RE: TRI-FANUCCHI FARMS, LLC**
[WJH-2](#)

CONTINUED MOTION TO USE CASH COLLATERAL
5-27-2026 [\[10\]](#)

TRI-FANUCCHI FARMS, LLC/MV
RILEY WALTER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted on an interim basis through November 15, 2026.

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

This motion was initially set for hearing on shortened time pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). Order, Doc. #9. The motion was heard initially on June 3, 2026, and granted on an interim basis. Order, Doc. #36. The hearing for continued interim use of cash collateral was continued to June 24, 2026 (Doc. #36), then to July 8, 2026 (Doc. #65), then to July 29, 2026 (Doc. #78), and subsequently to October 1, 2026 ("Interim Order"). Doc. ##107, 146. Pursuant to the prior orders, including the Interim Order, the court has authorized the debtor's interim use of cash collateral through October 11, 2026.

The latest hearing to authorize the debtor's continued use of cash collateral on an interim basis was set on at least 14 days' notice prior to the hearing date pursuant to Federal Rule of Bankruptcy Procedure 4001(b)(2) and Local Rule of Practice 9014-1(f)(2) and will proceed as scheduled. Because the request authorizing continuing interim use of cash collateral through November 15, 2026 was noticed on less than 28 days' notice, opposition to the continued interim use of cash collateral may be raised at the hearing. Unless opposition is

presented at the hearing, the court intends to enter the respondents' defaults and grant use of cash collateral on an interim basis from October 12, 2026 through November 15, 2026. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper. The court will issue an order if a further hearing is necessary.

Tri-Fanucchi Farms, LLC ("DIP"), the chapter 12 debtor and debtor-in-possession, moves the court for an order authorizing DIP to use the cash collateral, to the extent that the liens are valid, of secured creditor to AgWest Farm Credit, PCA ("AgWest"). Doc. #10.

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

DIP is a family farming operation that farms 1,243 acres of leased property. Decl. of Catherine Fanucchi, Doc. #6. DIP grows a variety of crops, including potatoes, carrots, tomatoes, onions, grapes, almonds and cover crops. Id. DIP seeks court authorization to use the cash collateral of AgWest through November 15, 2026, to pay expenses incurred by DIP in the normal course of its business consistent with the budget filed as Ex. A, Doc. #147. As adequate protection for DIP's use of AgWest's cash collateral, DIP will grant AgWest replacement liens on collateral of a like kind. Fanucchi Decl., Doc. #6. Based on the budget attached to the notice filed and served on September 16, 2026, DIP's use of cash collateral will generate less income than the cash collateral to be used through November 15, 2026. Ex. A, Doc. #147. However, DIP is rolling over a significant amount of cash collateral such that by November 15, 2026, DIP still projects positive cash flow from its use of AgWest's cash collateral. Ex. A, Doc. #147. The court finds that AgWest is adequately protected for DIP's use of its cash collateral through November 15, 2026.

Accordingly, subject to opposition being raised at the hearing, the motion will be GRANTED to authorize DIP's continued interim use of cash collateral through November 15, 2026, consistent with the budget attached as Exhibit A to Doc. #147. To the extent DIP needs authorization to use of cash collateral beyond November 15, 2026, the court will hold another hearing on November 5, 2026 at 9:30 a.m., with DIP to file and serve a supplemental budget for use of cash collateral by October 22, 2026.

8. [24-11232](#)-A-13 **IN RE: LORETTA VALENCIA**
[KMM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-2-2026 [\[61\]](#)

SUN WEST MORTGAGE COMPANY, INC./MV
JERRY LOWE/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

9. [26-13632](#)-A-13 **IN RE: KASIE CUI**
[JDS-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY BRIDGECREST ACCEPTANCE CORPORATION
9-15-2026 [\[19\]](#)

BRIDGECREST ACCEPTANCE CORPORATION/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
JACQUELINE SERRAO/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to November 5, 2026 at 9:30 a.m. if an amended
certificate of service is filed prior to the hearing;
otherwise overruled without prejudice.

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

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and opposition can be presented at the hearing. However, the mandatory certificate of service form filed with this objection (Doc. #22) is not completed properly. Section 4 of the mandatory certificate of service form does not include the date on which parties in interest were served with the objection and supporting documents. Because no date is listed, the court cannot determine whether the parties were served timely.

As a further procedural matter, the certificate of service showing that the objection and supporting documents were served on all parties in interest (Doc. #22) does not comply with LBR 9004-1(c), which requires that all certifications shall be signed by the person offering the evidentiary material contained in the document. Specifically, LBR 9004-1(c)(1)(B) states that signatures of persons other than the registered user may be indicated "[t]hrough the use of '/s/Name' or a software-generated electronic signature in the signature block where signatures would otherwise appear." Here, the name of the person signing the certificate of service was not typed on the "Signature" line with the "/s/" before the name, which deems notice of the objection improper. Additionally, page four of the certificate of service does not include the date and year when, and location where, the certificate of service was executed.

If an amended certificate of service showing proper service of the objection and supporting papers is filed prior to the hearing, this matter will proceed

as scheduled. Otherwise, this objection will be overruled without prejudice for improper service.

Kasie Lanae Cui ("Debtor") filed a voluntary petition under chapter 13 on August 1, 2026 along with a chapter 13 plan ("Plan") on August 6, 2026. Doc. #1, 9. Bridgecrest Acceptance Corporation ("Creditor") objects to confirmation of the Plan because the Plan fails to provide for (1) Creditor's collateral in the Plan, and (2) the applicable prime plus interest rate, which does not comply with Till v. SCS Credit Corp., 541 U.S. 465 (2004). Doc. #19.

Assuming this objection was served properly, this objection will be continued to November 5, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than October 22, 2026. 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 Debtor's position. Trustee shall file and serve a reply, if any, by October 29, 2026.

If Debtor elects to withdraw this 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 October 29, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

10. [26-13632](#)-A-13 **IN RE: KASIE CUI**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
9-11-2026 [\[16\]](#)

TIMOTHY SPRINGER/ATTY. FOR DBT.

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

DISPOSITION: Continued to November 5, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Kasie Lanae Cui ("Debtor") filed a voluntary petition under chapter 13 on August 1, 2026 along with a chapter 13 plan ("Plan") on August 6, 2026. Doc. #1, 9. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor's monthly Plan payment does not pay the proposed payments for secured creditor Lakeview Loan Servicing or attorney's fees in full; (2) Debtor's counsel is charging more than what is allowed under the local bankruptcy rules and Debtor needs to reduce the attorney's fee dividend per month; (3) the Plan has not been signed by Debtor or Debtor's counsel; and (4) Trustee has not yet concluded the meeting of creditors. Doc. #16. Debtor's 341 meeting of creditors has been continued to October 22, 2026 at 11:00 a.m. See court docket entry entered on September 8, 2026.

This objection will be continued to November 5, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than October 22, 2026. 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 Debtor's position. Trustee shall file and serve a reply, if any, by October 29, 2026.

If Debtor elects to withdraw this 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 October 29, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

11. [26-13533](#)-A-13 **IN RE: RONALD BARHAM**
[RWB-1](#)

MOTION TO VACATE DISMISSAL OF CASE
9-10-2026 [\[37\]](#)

RONALD BARHAM/MV
DISMISSED 08/28/2026
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

As a procedural matter, notice by mail of this motion was sent September 10, 2026, with a hearing date set for October 1, 2026. The motion was set for hearing on less than 28 days' notice and is governed by Local Rule of Practice ("LBR") 9014-1(f)(2). Pursuant to LBR 9014-1(f)(2), written opposition was not required, and any opposition may be raised at the hearing. However, the notice of hearing filed with the motion stated that opposition must be filed with the court. The notice of hearing does not comply with LBR 9014-1(f)(2). While not required, the chapter 13 trustee ("Trustee") filed a written response on September 22, 2026. Tr's Obj., Doc. #46. Based on Trustee's opposition, the court will deny the motion. Because the motion is being denied, the court will proceed with the motion to vacate dismissal as scheduled on the merits notwithstanding the improper notice.

As a further procedural matter, the certificate of service included a custom service list. Doc. #43. However, more than six people were served, so a custom list is not permitted under Local Rule of Practice 7005-1(a). Instead, not more than 7 days prior to the date notice was served, the moving party needed to use the court's website to generate a Clerk's Matrix of Creditors, a Matrix of Registered Users of the Electronic Filing System and a list of persons who have filed Requests for Special Notice to serve the motion and supporting papers and attach those lists to the certificate of service. Instructions on how to generate the required lists can be found on the court's website using the following link: [GeneratingMailingListsandLabelsQuickReference.pdf \(uscourts.gov\)](#).

Ronald Wayne Barham ("Debtor") moves the court for an order vacating the August 28, 2026 order dismissing Debtor's bankruptcy case. Mot., Doc. #37; Order, Doc. #27.

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Of relevance to the court's analysis, this is the sixth chapter 13 bankruptcy case filed by Debtor since April 15, 2025. On April 15, 2025, Debtor filed a chapter 7 bankruptcy case in pro se that was dismissed on May 14, 2025 for Debtor's failure to timely file documents after being granted an extension of time to do so ("First Case"). Case No. 25-11228, Doc. #1, 15, 26. The First Case was filed less than two months after a prior chapter 13 case ("Prior Case"), in which Debtor was represented by counsel, was dismissed for Debtor's failure to make plan payments due under a confirmed plan. Case No. 23-12585, Doc. #1, 61, 90, 95, 99. The Prior Case was filed on November 20, 2023 and dismissed on February 21, 2025.

After the First Case was dismissed, Debtor filed a new chapter 13 case in pro se on July 16, 2025 that was dismissed on August 14, 2025 for Debtor's failure to timely file documents after being granted an extension of time to do so ("Second Case"). Case No. 25-12365, Doc. #1, 12, 17.

After the Second Case was dismissed, Debtor filed a new chapter 13 case in pro se on November 19, 2025 that was dismissed on December 11, 2025 ("Third Case"). Case No. 25-13890, Doc. #1, 16. While Debtor filed a request for an extension of time to file documents, that request was denied on the basis that "Debtor should be aware of filing requirements. This is the third bankruptcy in eight months. Previous cases dismissed for lack of documents." Case No. 25-13890, Doc. #9, 13.

After the Third Case was dismissed, Debtor filed a new chapter 13 case in pro se on March 25, 2026 that was dismissed on April 17, 2026 ("Fourth Case"). Case No. 26-11298, Doc. #1, 16. While Debtor filed a request for an extension of time to file documents, that request was denied on the basis that "Debtor should be aware of filing requirements. This is the fourth bankruptcy in eleven months. Previous cases have been dismissed for failure to file documents." Case No. 26-11298, Doc. #9, 13.

After the Fourth Case was dismissed, Debtor filed a new chapter 13 case in pro se on May 20, 2026 that was dismissed on June 8, 2026 for Debtor's failure to timely file documents ("Fifth Case"). Case No. 26-12336, Doc. #1, 11.

After the Fifth Case was dismissed, Debtor filed a new chapter 13 case in pro se on July 29, 2026, the current case. Doc. #1. On August 3, 2026, the court issued a Notice of Incomplete Filing and Notice of Intent to Dismiss Case If Documents Are Not Timely Filed (the "NOID") which required missing documents to be filed with the court not later than August 12, 2026. Doc. #13. On August 13, 2026, Debtor filed a motion to extend deadline set forth in the NOID, which was granted and extended to August 27, 2026. Doc. #15, 20. Because Debtor did not file the missing documents by August 27, 2026, the court entered an order dismissing the case for failure to timely file documents on August 28, 2026. Doc. #27.

As an initial matter, Debtor moves under 11 U.S.C. § 109(h)(3)(B) to vacate dismissal of this case, which is not a basis for granting Debtor's motion to vacate dismissal. The Bankruptcy Code allows a debtor to request a waiver of the § 109(h)(1) requirement to receive credit counseling pre-petition based on exigent circumstances. 11 U.S.C. § 109(h)(3)(A). However, the court did not dismiss Debtor's bankruptcy case solely for Debtor's failure to obtain pre-petition credit counseling or timely post-petition credit counseling, so 11 U.S.C. § 109(h)(3)(B) is irrelevant. Debtor should have moved under Federal Rule of Civil Procedure ("Rule") 60(b), incorporated to this proceeding by Federal Rule of Bankruptcy Procedure 9024, to request the court to vacate the dismissal of Debtor's bankruptcy case. Doc. #37.

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Rule 60(b)(1) permits the court to grant relief from a final order for, *inter alia*, mistake, inadvertence, surprise, excusable neglect, or any other reason that justifies relief. Rule 60(b)(1). A motion to reconsider an order is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." Kona Enters. v. Estate of Bishop, 299 F.3d 877, 890 (9th Cir. 2000); see also Berman v. Freedom Fin. Network, LLC, 30 F.4th 849 (9th Cir. 2022) (applying the standard to Rule 60(b)).

This determination is "an equitable one, taking account of all relevant circumstances surrounding the party's omission." Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 395 (1993). The factors to consider include: (1) danger of prejudice to the debtor; (2) length of delay and potential impact on judicial proceedings; (3) reason for the delay, including whether it was in the movant's control; and (4) whether the party acted in good faith. Id. The court denies the motion to vacate the dismissal order based on a consideration of the factors set forth in Pioneer.

With respect to the first Pioneer factor, denying the motion to vacate the dismissal order likely would cause prejudice to Debtor. The basis for Debtor filing his numerous bankruptcy cases, including this one, is to protect his residence from a foreclosure sale. Doc. #37. Because Debtor's bankruptcy case was dismissed, a noticed trustee sale for foreclosure of the residence is now set for October 8, 2026. Id. This is Debtor's sixth bankruptcy case filed within almost 16 months, and each case was pending for no more than thirty days. Doc. #46. However, it appears each bankruptcy case filed by Debtor was to stop a foreclosure sale. If the court does not vacate the dismissal, it is likely the foreclosure sale will proceed as scheduled, which is prejudicial to Debtor. This factor favors granting the motion.

With respect to the second Pioneer factor, the delay between dismissal and Debtor's Rule 60(b) motion is nominal. The order dismissing Debtor's case was entered on August 28, 2026, and Debtor filed the instant motion on September 10, 2026. Doc. ##27, 37. There also would be minimal impact on judicial proceedings, since a review of the docket reveals no outstanding motions were interrupted and there are no related adversary proceedings. This factor favors vacating the dismissal order.

With respect to the third and fourth Pioneer factors, Debtor does not take full responsibility for failing to provide the required documents set forth in the court's NOID. Trustee states that the pattern in this bankruptcy case is consistent with the prior five cases: a skeletal petition, no schedules, no plan, dismissal within a month, and a new petition soon after. Tr's Obj, Doc. #46. The court's review of the dockets in each of the prior five cases filed in the last 16 months by Debtor confirm Trustee's statement. Trustee asserts that nothing in the record suggests that a sixth opportunity in this case would end differently from the first five. Id. While Debtor was not in the current bankruptcy very long before the case was dismissed, and Debtor's chapter 13 plan had yet to be confirmed, Debtor's case was dismissed because Debtor failed to file all documentation required to be a chapter 13 debtor. Debtor's reasoning for missing the document extension deadline is that Debtor was working through accumulated unopened mail and a substantial volume of mortgage, tax, property/estate, household, and bankruptcy records necessary to complete accurate schedules and a proposed plan. Doc. #37. Although Debtor has filed the required documents set forth in the court's NOID (Doc. ##31, 34-36), this is not sufficient to show Debtor has acted in good faith in filing this bankruptcy case, especially in light of the record with respect to the prior five bankruptcy cases.

Under Pioneer, excusable neglect ordinarily refers to factors outside the debtor's control or intervening circumstances objectively interfering with the

debtor's ability to perform the timely act. Trustee argues, and the court agrees, that Debtor has not provided an adequate explanation for the court to find excusable neglect. This is Debtor's sixth bankruptcy case filed within 16 months that has been dismissed for failure to timely file missing documents. It is not new to Debtor that certain documents need to be filed at the commencement of a bankruptcy case, especially a chapter 13 bankruptcy case. Moreover, the excuses provided by Debtor for failure to timely file the missing documents, including working through accumulated unopened mail and a substantial volume of mortgage, tax, property/estate, household, and bankruptcy records necessary to complete accurate schedules and a proposed plan, are factors within Debtor's control. The court also does not find that there were intervening circumstances objectively interfering with Debtor's ability to timely file the missing documents.

Accordingly, the court DENIES the motion. The order filed August 28, 2026 dismissing Debtor's bankruptcy case will not be VACATED.

12. [19-14937](#)-A-13 **IN RE: THIEN AN BANH**
[LTF-3](#)

CONTINUED STATUS CONFERENCE RE: MOTION FOR SANCTIONS FOR VIOLATION OF
THE AUTOMATIC STAY AND/OR MOTION FOR SANCTIONS FOR VIOLATION OF THE
DISCHARGE INJUNCTION
7-29-2026 [\[51\]](#)

THIEN AN BANH/MV
LARS FULLER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part if the debtor sufficiently supplements
the record, denied in part.

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

This motion was initially set for hearing on August 27, 2026 and was continued to October 1, 2026 to be heard after the hearing on the motion for default judgment in the debtor's adversary proceeding. Adv. Proc. No. 26-01024, Doc. ##16-20; Order, Doc. #60. 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). Therefore, the defaults of the non-responding parties in interest are entered.

Thien An Nhu Banh, the debtor in this re-opened chapter 13 case, moves the court for an order holding Bank of America ("Creditor") (i) in contempt for willful violation of the automatic stay pursuant to 11 U.S.C. § 362(a) and violation the discharge injunction pursuant to 11 U.S.C. § 524(a), and (ii) seeks \$12,652.96 in damages for those violations. Doc. #51.

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RELEVANT FACTS

Debtor filed a chapter 13 bankruptcy case on November 26, 2019. Doc. #1. Debtor's chapter 13 plan was confirmed on March 7, 2020. Plan, Doc. #2; Order, Doc. #18. Debtor's discharge was entered on June 1, 2021. Doc. #32. Debtor's bankruptcy case was closed on June 15, 2021. Doc. #34.

On November 27, 2019, the day after Debtor filed his chapter 13 bankruptcy case, Creditor recorded two separate abstracts of judgment in Merced County, California (together, "Abstracts") without obtaining relief from the automatic stay. Ex. 2, Doc. #56; see court docket.

Debtor purchased a house in Texas in October 2025 due to the high cost of living in California and intended to sell his real property located at 723 H. Street, Los Banos, California ("Property") at this time but was prevented in doing so due to the discovery of the Abstracts. Decl. of Thien An Nhu Banh, Doc. #53. Because of the delay in selling the Property, Debtor has had to pay the mortgage on his Texas home as well as the Property taxes and insurance on the Property simultaneously. Id. This financial burden caused Debtor high levels of stress, which resulted in his doctor ordering Debtor to take off work. Id.; Ex. 4, Doc. #55.

On November 17, 2025, counsel for Debtor, Lars Fuller, sent a letter to the attorney who recorded the Abstracts informing the attorney that the Abstracts were filed the day after Debtor filed his chapter 13 bankruptcy case and therefore violated the automatic stay and should be removed. Decl. of Lars T. Fuller, Doc. #54; Ex. 3, Doc. #56. On January 15, 2026, Mr. Fuller followed up on his letter by calling the office of the attorney who recorded the Abstracts and speaking with someone at the office who provided an email contact. Fuller Decl., Doc. #54. The same day, Mr. Fuller sent an email again requesting that the Abstracts be removed. Id.; Ex. 4, Doc. #56. There was no response and, as of the filing of the motion, the Abstracts had not been released. Fuller Decl., Doc. #54.

In the motion, Debtor does not seek sanctions for Creditor's recording of the Abstracts the day after Debtor filed his bankruptcy petition without relief from the automatic stay. Doc. #51. Rather, Debtor seeks to hold Creditor liable for Creditor's failure to remove the Abstracts from title to Debtor's Property since being notified in November 2025.

Debtor requests damages in the aggregate amount of \$12,652.96 consisting of \$5,000.00 in attorneys' fees, \$2,524.96 for the taxes and insurance on the Property, and \$5,128.00 in lost income. Doc. #51. Creditor was listed on Debtor's creditor matrix and received notice of Debtor's bankruptcy case. Doc. #6. In addition, Debtor's counsel asked Creditor's counsel, Nelson & Kennard, to remove the Abstracts from the Property. Fuller Decl., Doc. #54. Creditor's counsel did not respond. Id. Debtor's counsel incurred \$5,000.00 in attorneys' fees in relation to filing this motion and a complaint to void the Abstracts. Id.

In the adversary proceeding related to this case, the court granted Debtor's motion for entry of default judgment against Creditor voiding the post-petition recordation of the Abstracts and declaring the Abstracts to have no legal effect. Adv. Proc. No. 26-01024, Civil Minutes, Doc. #22. This determination was based on the merits of Debtor's claim, the sufficiency of the complaint, and the lack of the possibility of disputes concerning material facts favoring entry of a default judgment. Id. The court declined to rule on the reasonableness of the requested attorneys' fees and costs with respect to the adversary proceeding without prejudice to Debtor seeking to recover such fees and costs with respect to this motion. Id. In the motion for entry of default

judgment against Creditor, Debtor requested attorney's fees and costs in the amount of \$8,264.48. Adv. Proc. No. 26-01024, Doc. #16.

DAMAGES UNDER 11 U.S.C. § 362(k)

To recover actual damages under 11 U.S.C. § 362(k), the debtor must allege and prove that the stay violation was willful, specifically that the defendants knew of the automatic stay and their actions in violation of the stay were intentional. Albert-Sheridan v. State Bar (In re Albert-Sheridan), 658 B.R. 516, 526 (B.A.P. 9th Cir. 2024).

The court previously made a ruling regarding sanctions for violating the automatic stay stating: "The problem with Debtor's request is that there has been no automatic stay in Debtor's bankruptcy case since June 2021, when Debtor received his discharge and Debtor's bankruptcy case was closed. The automatic stay pursuant to § 362(a) "expires when the property is no longer property of the estate." 3 COLLIER ON BANKRUPTCY ¶ 362.06 (Richard Levin & Henry J. Sommers eds., 16th ed.) (citing 11 U.S.C. § 362(c)(1)) "The stay of any other act under section 362 expires at the earlier of the time that (1) the case is closed, (2) the case is dismissed or (3) the debtor receives a discharge." Id. (citing 11 U.S.C. § 362(c)(2)). Thus, as of June 15, 2021 at the latest, there was no automatic stay with respect to Debtor's bankruptcy case so any actions (or failure to act) of Creditor since November 2025 do not violate the automatic stay." Civil Minutes, Doc. #48. Therefore, because there is not violation of the automatic stay, damages under 11 U.S.C. § 362(k) will not be awarded.

DAMAGES UNDER 11 U.S.C. § 524

To establish a violation of 11 U.S.C. § 524, the debtor must prove that the creditor willfully violated the discharge injunction. In the Ninth Circuit, courts have applied a two-part test to determine whether a party's violation was willful: (1) did the alleged offending party know that the discharge injunction applied; and (2) did such party intend the actions that violated the discharge injunction? See, e.g., Nash v. Clark Cty. Dist. Attorney's Office (In re Nash), 464 B.R. 874, 880 (B.A.P. 9th Cir. 2012) (citing Espinosa v. United States Student Aid Funds, Inc., 553 F.3d 1193, 1205 n.7 (9th Cir. 2008) aff'd, 559 U.S. 260 (2010)); Zilog, Inc. v. Corning (In re Zilog, Inc.), 450 F.3d 996, 1007 (9th Cir. 2006). The party seeking sanctions for contempt has the burden of proving, by clear and convincing evidence, that the offending party violated the order and sanctions are justified. Zilog, 450 F.3d at 1007. Under the clear and convincing standard, the evidence presented by the movant must "place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are 'highly probable.'" Factual contentions are highly probable if the evidence offered in support of them instantly tilt[s] the evidentiary scales in the affirmative when weighed against the evidence offered in opposition." Emmert v. Taggart (In re Taggart), 584 B.R. 275, 288 n.11 (B.A.P. 9th Cir. 2016) (citations omitted) (vacated and remanded on other grounds by Taggart v. Lorenzen, 139 S. Ct. 1795 (2019)).

The Ninth Circuit Bankruptcy Appellate Panel has concluded that emotional distress damages may be available for discharge injunction violation. Valdellon v. PHH Mortg. Corp. (In re Valdellon), 665 B.R. 420 (B.A.P. 9th Cir. 2024), aff'd, 2026 U.S. App. LEXIS 11084 (Apr. 20, 2026) (holding bankruptcy courts have equitable power to compensate debtors for discharge injunction violations, including emotional distress damages.)

The court finds that Creditor violated the discharge injunction by failing to remove the Abstracts from title to the Property after being notified of that its Abstracts were recorded post-petition and in violation of the automatic stay. As to the damages for Debtor, Debtor asserts he is entitled to damages

related to Debtor's inability to sell the Property since October 2025 due to the Abstracts. Doc. #51. Therefore, Debtor requests actual damages in the amount of \$2,524.96 for the taxes and insurance on the Property that Debtor has to pay. Id. Because Debtor is unable to sell the Property due to Creditor's Abstracts, Debtor also requests actual damages in the amount of \$5,128.00 for lost income because Debtor missed work due to the stress of Debtor not being able to proceed with selling the Property. Id. The court finds the damages in the amount of \$2,524.96 for the taxes and insurance on the Property and \$5,128.00 in lost income of Debtor is appropriate for violation of the discharge injunction to compensate Debtor.

As for the attorney's fees requested, Debtor states the \$5,000.00 attorney's fees are for the filing of this motion and complaint, whereas in the adversary proceeding, Debtor requests attorney's fees in the amount of \$8,264.48. It is unclear from the motion what the breakdown of the requested attorney's fees is and whether Debtor is requesting the same fees twice. At the hearing, counsel for Debtor should be prepared to supplement the record explaining the scope of the attorney's fees requested in this motion and those requested in the adversary proceeding.

CONCLUSION

Accordingly, subject to counsel for the Debtor adequately supplementing the record, the court will grant damages in the amount of \$2,524.96 for the taxes and insurance on the Property, \$5,128.00 in lost income, and attorney's fees to be determined as sanctions for Creditor's contempt for violating 11 U.S.C. § 524. The court denies the request for sanctions for violation of the automatic stay pursuant to 11 U.S.C. § 362(k).

13. [26-12943](#)-A-13 **IN RE: LUCIA SAPIENS**
[LGT-1](#)

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

ERIC ESCAMILLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The debtor filed a modified plan on September 3, 2026 (EPE-1, Doc. #25), with a motion to confirm the modified plan set for hearing on October 13, 2026 at 2:00 p.m. Doc. ##23-28.

14. [26-11845](#)-A-12 **IN RE: KENNETH/BEVERLY ZWART**
[LFC-1](#)

RESCHEDULED HEARING RE: MOTION FOR RELIEF FROM AUTOMATIC STAY
8-27-2026 [\[37\]](#)

KEY STAR CAPITAL FUND III, L.P./MV
DAVID JOHNSTON/ATTY. FOR DBT.
LUIS CHAVES/ATTY. FOR MV.
DISMISSED 9/21/26

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 entered on September 21, 2026. Doc. #64.
Therefore, this motion for relief from stay is DENIED AS MOOT.

15. [26-11845](#)-A-12 **IN RE: KENNETH/BEVERLY ZWART**
[LFC-2](#)

RESCHEDULED HEARING RE: MOTION TO PROHIBIT USE OF CASH COLLATERAL
8-27-2026 [\[46\]](#)

KEY STAR CAPITAL FUND III, L.P./MV
DAVID JOHNSTON/ATTY. FOR DBT.
LUIS CHAVES/ATTY. FOR MV.
DISMISSED 9/21/26

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 entered on September 21, 2026. Doc. #64.
Therefore, this motion to prohibit use of cash collateral is DENIED AS MOOT.

16. [26-13461](#)-A-13 **IN RE: ANGELINA DE LA CRUZ**
[LGT-1](#)

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

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to November 5, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Angelica Alma De La Cruz ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on July 25, 2026. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) a motion to value collateral of Daryl and Julie Davis needs to be filed for Trustee to determine Plan feasibility, and (2) a motion to value collateral of Foundation Group LLC needs to be filed for Trustee to determine Plan feasibility. Doc. #14.

This objection will be continued to November 5, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than October 22, 2026. 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 Debtor's position. Trustee shall file and serve a reply, if any, by October 29, 2026.

If Debtor elects to withdraw this 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 October 29, 2026. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

17. [25-13370](#)-A-13 **IN RE: FORTINO TORRES**
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE
6-22-2026 [\[39\]](#)

LILIAN TSANG/MV
SUSAN SILVEIRA/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

18. [26-12273](#)-A-13 **IN RE: MANUEL/JENNIFER GARCIA**
[SLH-2](#)

MOTION TO CONFIRM PLAN
8-13-2026 [\[32\]](#)

JENNIFER GARCIA/MV
SETH HANSON/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 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(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 movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion, and it shall reference the plan by the date it was filed.

19. [26-12973](#)-A-13 **IN RE: NATHAN DOYLE**
[LGT-2](#)

MOTION TO DISMISS CASE
9-1-2026 [\[15\]](#)

LILIAN TSANG/MV
NEIL SCHWARTZ/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted in part; the case will be converted.

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

This motion was set for hearing 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 the debtor or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the default of the debtor is entered. Because the court will convert rather than dismiss this case, this matter will proceed as scheduled.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #15. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) provide Trustee with required documents; (3) file a complete plan (pages four and five are missing); (4) accurately file schedules and/or statements; and (5) commence making payments due under the plan. As of September 1, 2026, plan payments are delinquent in the amount of \$7,500.00. While this motion is pending, further monthly plan payments will come due. In addition to the delinquency amount, the debtor also must make the monthly plan payment of \$3,750.00 for September 25, 2026. Doc. #15. The debtor did not oppose.

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 debtor that is prejudicial to creditors because the debtor failed to appear at the scheduled 341 meeting of creditors and failed to provide Trustee with all of 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 all payments due under the plan.

A review of the debtor's Schedules A/B, C and D shows there is a liquidation amount of \$96,647.50, after Trustee compensation. Doc. #1; Decl. of Lindsey Nelson, Doc. #17. This liquidation amount is comprised of the value of Debtor's paintings from various artists, Doors album signed by all members, jewelry, Bank of America account, Atlantis Pool Service, and 2026 tax refund. Id. Because there is sufficient non-exempt equity in the debtor's assets to be realized for the benefit of the estate if the debtor's bankruptcy case is converted to chapter 7 instead of being dismissed, the court finds that conversion, rather than dismissal, is in the best interests of creditors and the estate.

Accordingly, the motion will be GRANTED IN PART, and the case converted. The court will issue an order.

20. [26-13575](#)-A-13 **IN RE: GREGORY/CATHERINE BERNARDI**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-10-2026 [\[18\]](#)

LILIAN TSANG/MV
MOHAMMAD MOKARRAM/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to plan on September 18, 2026. Doc. #21.

21. [26-13381](#)-A-13 **IN RE: JACOB/KATHLEEN EYRAUD**
[LGT-1](#)

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

NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION: Continued to November 5, 2026 at 9:30 a.m.

ORDER: The court will issue an order.

Jacob Luis Eyraud and Kathleen Marie Eyraud ("Debtors") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on July 21,

2026. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) the proposed plan does not meet liquidation requirements; (2) Debtors are delinquent in plan payments in the amount of \$2,312.00, with an additional plan payment in the amount of \$4,625.00 coming due on September 25, 2026; (3) an amended Form 122C-2 needs to be filed; (4) the Plan is not signed by Debtors or Debtors' counsel; (5) Debtors have failed to provide the following required documents including, but not limited to (a) complete 2025 taxes, and (b) pay advice of debtor Jacob Eyraud for June 2026; and (6) the 341 meeting of creditors has not yet concluded. Doc. #14. Debtors' 341 meeting of creditors has been continued to October 8, 2026 at 2:00 p.m. See court docket entry entered on September 8, 2026.

This objection will be continued to November 5, 2026 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than October 22, 2026. 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 Debtors' position. Trustee shall file and serve a reply, if any, by October 29, 2026.

If Debtors elect to withdraw this 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 October 29, 2026. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be sustained on the grounds stated in Trustee's objection without a further hearing.

22. [24-12783](#)-A-13 **IN RE: EMANUEL/KAREN DOZIER**
[LGT-3](#)

MOTION TO DISMISS CASE
9-2-2026 [\[84\]](#)

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING, CASE CONVERTED 9/23/26

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

A notice of voluntary conversion was entered in this bankruptcy case on September 23, 2026. Doc. #91. Therefore, the motion to dismiss the chapter 13 case is DENIED AS MOOT.

23. [26-13485](#)-A-13 **IN RE: JASON/YVONNE RUIZ**
[LGT-1](#)

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

LILIAN TSANG/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to plan on September 16, 2026. Doc. #20.

24. [26-13486](#)-A-13 **IN RE: SONIA LARA**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-10-2026 [\[16\]](#)

LILIAN TSANG/MV
SUSAN SILVEIRA/ATTY. FOR DBT.
RESONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to October 13, 2026 at 2:00 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.

This objection was filed and served pursuant to Local Rule of Practice ("LBR") 3015-1(c)(4) and opposition can be presented at the hearing. Based on the pleadings filed in response to the objection, the court will continue the hearing on this objection to October 13, 2026 at 2:00 p.m. to be heard with the debtor's motion to value collateral. This matter will proceed as scheduled.

Sonia Isabel Lara ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on July 27, 2026. Doc. ##1, 8. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because (1) a motion to value the collateral of SunRun, Inc. needs to be filed for Trustee to determine feasibility of the Plan, and (2) an amendment to disclosure of compensation is required. Doc. #16.

On September 24, 2026, Debtor responded to Trustee's objection to confirmation stating that: (1) an amended disclosure of compensation has been filed; and (2) Debtor has filed a motion to value collateral, which is set to be heard on October 13, 2026. Doc. #24. Debtor requests this objection be continued to be heard with the motion to value collateral. Id.

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Based on Debtor's response to Trustee's objection and Debtor's motion to value, the court will continue the hearing on this objection to October 13, 2026 at 2:00 p.m. to be heard with Debtor's motion to value collateral.

25. [25-21289](#)-A-13 **IN RE: MELINDA WARD**
[BLG-5](#)

CONTINUED MOTION TO CONFIRM PLAN
7-6-2026 [[160](#)]

MELINDA WARD/MV
CHAD JOHNSON/ATTY. FOR DBT.
DISMISSED 8/28/26

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 entered on August 28, 2026. Doc. #180. Therefore, this motion is DENIED AS MOOT.

26. [23-10993](#)-A-13 **IN RE: CHRISTOPHER/STACEY WILSON**
[PLG-4](#)

MOTION TO MODIFY PLAN
8-27-2026 [[69](#)]

STACEY WILSON/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

This motion is DENIED AS MOOT. The debtors filed a modified plan on September 21, 2026 (PLG-5, Doc. #81), with a motion to confirm the modified plan set for hearing on October 22, 2026 at 9:30 a.m. Doc. ##77-81.

27. [26-13399](#)-A-13 **IN RE: AMANDA KONG**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-11-2026 [\[37\]](#)

LILIAN TSANG/MV
DISMISSED 9/24/26

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on September 24, 2026. Doc. #46.
Therefore, this objection to confirmation is OVERRULED AS MOOT.

1. [25-12920](#)-A-7 **IN RE: TITO/STACEY LUNA**
[25-1049](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
11-24-2025 [\[1\]](#)

VALLEY OXYGEN, LLC V. LUNA ET AL
DUSTIN DODGIN/ATTY. FOR PL.
RESCHEDULED TO 5/27/27 PER ECF ORDER #32

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

DISPOSITION: Continued to May 27, 2027 at 11:00 a.m.

NO ORDER REQUIRED.

At the request of the parties, the court issued an order continuing the pre-trial conference to May 27, 2027 at 11:00 a.m. Doc. #32.

2. [26-11854](#)-A-7 **IN RE: DARIN SIEBERT**
[26-1038](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-29-2026 [\[1\]](#)

SIEBERT V. SIEBERT
STACY BOWMAN/ATTY. FOR PL.
DISMISSED 09/09/2026

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

This adversary proceeding was dismissed by stipulation on September 9, 2026.
Doc. #13.