



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

Hearing Date: Wednesday, October 7, 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. [26-12708](#)-B-12 **IN RE: THOMAS BENZLER**
[CAE-1](#)

RESCHEDULED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY
PETITION
6-9-2026 [[1](#)]

LEONARD WELSH/ATTY. FOR DBT.

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

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

ORDER: The court will prepare the order.

This Status Conference will be CONTINUED to November 18, 2026, at
9:30 a.m. to be heard in conjunction with the Confirmation Hearing
set for that day.

2. [26-12708](#)-B-12 **IN RE: THOMAS BENZLER**
[YW-5](#)

RESCHEDULED HEARING RE: MOTION TO CONFIRM CHAPTER 12 PLAN
8-28-2026 [[72](#)]

THOMAS BENZLER/MV
LEONARD WELSH/ATTY. FOR DBT.

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

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

No order is required.

On September 17, 2026, the court approved a Stipulation (Doc. #90)
between the parties continuing this hearing to November 18, 2026, at
9:30 a.m. Accordingly, this matter is CONTINUED to November 18,
2026, at 9:30 a.m.

3. [26-12708](#)-B-12 **IN RE: THOMAS BENZLER**
[YW-6](#)

MOTION TO EMPLOY SEAN O'ROURKE AS SPECIAL COUNSEL
9-10-2026 [\[81\]](#)

THOMAS BENZLER/MV
LEONARD WELSH/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

Chapter 12 Thomas Benzler ("Debtor" or "Benzler") asks the court to approve Debtor's retention of Sean O'Rourke ("Counsel" or "O'Rourke") as Special Litigation Counsel for Debtor in the above-styled case. Doc. #81. The application was supported Declarations from Benzler and O'Rourke and by an Exhibit in the form of O'Rourke's resume. Docs. #83-84, #91.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court is inclined to GRANT this motion.

The court notes that a Stipulation between Debtor and Celeste Benzler was submitted on October 5, 2026, which purports to resolve this matter. However, as the matter was set on less than 28 days and would be heard regardless to confirm there are no other objections, this matter will be heard as scheduled.

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.

Debtor filed Chapter 12 bankruptcy on June 9, 2026. Doc. #1. Debtor seeks O'Rourke's services to represent in litigation to resolve disputes between Debtor and his sister, Sherrie Ramirez, arising from a Sub-Trust in which Debtor is a beneficiary. Doc. #81. Benzler had retained O'Rourke to represent him in the trust litigation prepetition and wishes to continue the representation. *Id.* Benzler declares that "it is critical" that he be represented by competent counsel in that action because the outcome of the litigation will have a significant impact on Benzler's business operations and his reorganization. *Id.*

According to the Retainer Agreement attached to O'Rourke's Declaration, Benzler has already given O'Rourke a \$20,000.00 retainer which has already been exhausted. Doc. #91. O'Rourke's

billing rate is \$400.00 per hour. *Id.* O'Rourke further declares that neither he nor his firm neither represents nor holds any interest adverse to either Benzler or the Chapter 12 estate. *Id.*

The Declaration does not address whether O'Rourke or his firm have any potential conflicts arising from creditors, other parties in interest, or personnel in the Trustee's office, and it does not contain the statement required by LBR 2014-1(a).

11 U.S.C. § 1203 gives a Chapter 12 debtor in possession "all the rights, other than the right to compensation under section 330, and powers" and allows the DIP to "perform all the functions and duties, except the duties specified in paragraphs (3) and (4) of section 1106(a), of a trustee serving in a case under chapter 11, including operating the debtor's farm or commercial fishing operation."

Under 11 U.S.C. § 327(a), a professional person, such as a special counsel, can be employed by the estate with the court's approval to represent or assist the trustee [debtor in possession] in carrying out its duties provided that the proposed professional does not hold or represent an interest adverse to the estate and is a "disinterested person." In a chapter 11 case [or here a chapter 12 case], a person is not disqualified for employment solely because of such person's employment by or representation of a creditor, unless there is an objection from the creditor or the UST. § 327(c).

11 U.S.C. § 328(a) permits employment of "a professional person under section 327" on "any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, on a fixed or percentage fee basis, or on a contingent fee basis." Section 328(a) further "permits a professional to have the terms and conditions of its employment pre-approved by the bankruptcy court, such that the bankruptcy court may alter the agreed-upon compensation only 'if such terms and conditions and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of such terms and conditions.'" *In re Circle K Corp.*, 279 F.3d 669, 671 (9th Cir. 2002).

This matter will be called and proceed as scheduled. Written opposition was not required and may be presented at the hearing. The court will address any deficiency in O'Rourke's statement of connections at that time. Depending on the information adduced at the hearing, the court may GRANT or DENY the motion or CONTINUE this matter for further proceedings.

4. [26-12222](#)-B-13 **IN RE: CAROLYN DRENNEN**
[CAE-2](#)

ORDER TO SHOW CAUSE REGARDING DISGORGEMENT OF FEES
9-11-2026 [\[43\]](#)

DAVID BOONE/ATTY. FOR DBT.
DISMISSED 08/14/2026;

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

DISPOSITION: Vacated.

ORDER: The court will issue an order.

On September 18, 2026, attorney David Boone filed a fee application in the above-styled case as directed by this court's *Order to Show Cause* dated September 11, 2026. Docs. ##46-50. Accordingly, the Order to Show Cause is hereby VACATED.

5. [26-12651](#)-B-13 **IN RE: CHRIS JOHNSON**
[NES-1](#)

MOTION TO CONFIRM PLAN
8-11-2026 [\[21\]](#)

CHRIS JOHNSON/MV
NEIL SCHWARTZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

ORDER: The moving party will prepare the order.

Chris Johnson ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated August 11, 2026. Docs. #21, #25. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Debtor to pay \$6,401.00 per month.
2. Outstanding attorney's fees of \$9,092.00 to be paid through the plan.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. Superior Loan Servicing (Class 1, mortgage). Arrears of \$37,029.62 at 0.00% to be paid at \$686.00 per month. Ongoing monthly mortgage payment of \$4,358.20.
 - b. American Credit Acceptance (Class 2A, non-PMSI title loan). \$22,256.00 at 27.99% to be paid at \$703.00 per month.**
2. A dividend of 6.38% to general unsecured creditors with claims estimated to be approximately \$180,744.68.

Doc. #25.

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.

On September 22, 2026, the Trustee filed an Opposition to this motion which was subsequently withdrawn. Docs. #32, #36. No other party in interest responded, and the defaults of all non-responding parties are entered. 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.

6. [26-10154](#)-B-7 **IN RE: MARC/ROBIN MATHIAS**
[RAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-4-2026 [\[57\]](#)

SELENE FINANCE LP/MV
PETER MACALUSO/ATTY. FOR DBT.
SHANA STARK/ATTY. FOR MV.
CONVERTED TO CHAPTER 7 ON 9/16/26;
RESPONSIVE PLEADING

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

DISPOSITION: Continued to October 27, 2026, at 1:30 p.m.

ORDER: The court will issue an order.

Selene Finance LP ("Movant") seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to 6117 Friedman Way, Valley Springs, California 95252-8734 ("Property"). Doc. #57.

As an informative matter, the court notes three procedural deficiencies.

First, LBR 4001-1 states that motions for relief from the automatic stay of 11 U.S.C. § 362(a) shall be set for hearing in accordance with LBR 9014. LBR 9014, in turn, states that, under LBR 9014-

1(d)(3)(B)(i), the Notice of the motion must include the names and addresses of the persons who must be served with such opposition. Here, the Notice only directed that written opposition should be served upon Movant's counsel. See *Doc. #58*. However, as the motion to lift stay implicates assets of the estate, the Chapter 7 Trustee and the U.S. Trustee are included among "the persons who must be served with such opposition."

Second, the certificates of service filed in connection with this motion used an older version of the court's *Official Certificate of Service* form (EDC Form 7-005, Rev. 10/30/24) instead of the most updated version of the form (EDC Form 7-005, Rev. 6/3/2025). *Doc. #62*. The correct form can be accessed on the court's website.

Third, 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. *Id.* 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.

On September 16, 2026, this case was converted to a Chapter 7 case. The court is continuing this hearing to **October 27, 2026, at 1:30 p.m.** to give the Chapter 7 trustee sufficient time to review this matter. Movant shall serve the Chapter 7 trustee forthwith.

7. [25-10259](#)-B-13 **IN RE: TODD FISHER AND LEZA COOPER**
[SLL-2](#)

MOTION TO MODIFY PLAN
8-25-2026 [\[44\]](#)

LEZA COOPER/MV
STEPHEN LABIAK/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.

Todd Fisher and Leza Cooper ("Debtors") move for an order confirming the *Second Modified Chapter 13 Plan* dated August 25, 2026. Docs. #44, #46. Debtor's current plan was confirmed on May 6, 2025. *Doc. #35*.

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. Debtors to pay an aggregate of \$53,796.24 for months 1-19. For months 20-60, the monthly plan payment will increase from \$3,185.00 to \$3,245.00.
2. Debtors' ongoing monthly mortgage payment to Rushmore will increase from \$1,300.14 to \$1,320.50. The prepetition arrearage has been reduced from \$11,000.00 to \$7,926.34, to be paid at 0.00% with a monthly dividend for months 20-60 of \$194.00. Debtors have a post-petition arrearage totaling \$3,961.50 at 0.00% to be paid at \$97.00 per month
3. Debtors now owe Global Lending (Class 2A) \$19,087.25 at 5.00% to be paid at \$507.41 a month for months 20-60.
4. Debtors now owe Santander (Class 2A) a balance of \$24,171.67 at 5.00% to be paid at \$642.57 a month for months 20-60.
5. Remaining attorney's fees totaling \$6,272.06 through month 19 to be paid at \$152.98 per month for months 20-60.
6. The dividend to general unsecured creditors to remain at 20.06%.

Compare Doc. #23 and Doc. #46.

The reason for this modification was not expressly stated except that it appears Debtors' income has changed from a net monthly income of \$5,327.64 on March 18, 2025, to \$4,347.50 on August 25, 2026. *Compare Doc. #25 and Doc. #50.* This is sufficient to cover the increased plan payment.

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.

8. [25-27074](#)-B-13 **IN RE: RUNXIU WANG**
[AVN-3](#)

MOTION TO CONFIRM PLAN
8-18-2026 [\[66\]](#)

RUNXIU WANG/MV
ANH NGUYEN/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 4, at 9:30 a.m.

ORDER: The court will issue an order.

Runxiu Wang ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated August 19, 2026. Docs. #66, #76. No plan has been confirmed so far. Chapter 13 trustee David Cusick ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. The plan does not provide for the arrearage claim of U.S. Bank. Debtor's motion states that "[p]er Debtor's counsel's communications with Shannon Doyle, ESQ. senior attorney for US Bank the pre-petition arrears have been resolved," but US Bank has not amended its claim to reduce the arrears.
2. The proposed monthly plan payments are insufficient to complete within 60 months.

Doc. #82. In addition, Creditor 626 Jackson Street LLC ("Jackson") also opposes confirmation on the following grounds:

1. Lack of good faith due to failure to fully disclose assets and income.
2. Failure to apply all disposable income towards repaying unsecured creditors.

Doc. #85. Finally, creditor U.S. Bank Trust Company, National Association, not in its individual capacity but solely as Trustee of PRPM 2023-NQM2, its successors and/or assignees ("U.S. Bank") objects, stating that:

1. The proposed plan does not provide for the cure of pre-petition arrears in the amount of approximately \$1,799.63.

Doc. #89.

This motion to confirm plan will be CONTINUED to **November 4, 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 **all** the aforementioned 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 stated, and the motion will be denied without further hearing.

9. [25-27074](#)-B-13 **IN RE: RUNXIU WANG**
[DPC-1](#)

CONTINUED MOTION TO DISMISS CASE
5-11-2026 [\[30\]](#)

DAVID CUSICK/MV
ANH NGUYEN/ATTY. FOR DBT.

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

DISPOSITION: Continued to November 4, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

This matter is hereby CONTINUED to November 4, 2026, at 9:30 a.m. to be heard in conjunction with the Debtor's *Motion to Confirm* the Plan dated August 19, 2026.

10. [26-13274](#)-B-13 **IN RE: GABRIEL MORENO**
[LGT-1](#)

MOTION TO DISMISS CASE
8-31-2026 [\[22\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Denied as moot.

ORDER: The court will prepare the order.

On October 6, 2026, Gabriel Moreno ("Debtor") filed a pro se *Notice of Conversion from Chapter 13 to Chapter 7*. Doc. #27 Accordingly, this *Motion to Dismiss* Debtor's Chapter 13 case will be DENIED as moot.

11. [26-10179](#)-B-13 **IN RE: DAVID GRAHAM**
[LGT-3](#)

MOTION TO DISMISS CASE
9-2-2026 [\[53\]](#)

LILIAN TSANG/MV
STEVEN ALPERT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 10, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

The trustee's motion to dismiss will be continued to November 10, 2026, at 9:30 a.m., to be heard in connection with the debtors' motion to confirm modified plan. See, Docs. ##59-64; PLG-1.

12. [26-12786](#)-B-13 **IN RE: MICHAEL/JULIE BURGESS**
[LGT-2](#)

MOTION TO DISMISS CASE
8-31-2026 [\[26\]](#)

LILIAN TSANG/MV
DONALD IWUCHUKWU/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will be called as scheduled.

DISPOSITION: Granted and converted or denied without prejudice.

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

Chapter 13 trustee Lilian G. Tsang ("Trustee") moves to dismiss this case for cause under 11 U.S.C. § 1307(c)(1) for unreasonable delay and 11 U.S.C. § 1307(c)(4) Debtor's failure to commence making plan payments. Doc. #26.

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

- Debtors failed to set a modified plan for hearing with notice to creditors;
- Debtors failed to cooperate with the trustee by failing to provide the required documents; and
- Debtors failed to make payments due under the plan.

Michael Arnold Burgess and Julie Janelle Burgess ("Debtors") timely filed written opposition. Docs. #32-35. Debtors aver that the August 26, 2026, payment was to be paid by September 25, 2026 and the September 26, 2026, payment to be paid by September 30, 2026.

This matter will be called as scheduled to inquire whether Debtors have cured the delinquency and set the plan for hearing. If so, this motion may be DENIED WITHOUT PREJUDICE. Otherwise, the motion may be GRANTED AS MODIFIED, and the case CONVERTED TO CHAPTER 7.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1) and will proceed as scheduled. The failure of the creditors, the U.S. Trustee, or any other party in interest except 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). Therefore, the defaults of the above-mentioned parties in interest except Debtor 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).

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(6) for unreasonable delay that is prejudicial to creditors and failure to make all payments due under the plan.

Trustee has reviewed the schedules and determined that this case has a liquidation value of \$53,830.90, after Trustee compensation. This liquidation amount is comprised of the value of Debtors' 2015 Chevy Tahoe, 2018 Tesla Model 3, 2016 Ford Explorer, 2012 BMW X5, 2008 Dodge Ram, and 2014 Alegro Tiffan. Conversion, rather than dismissal, serves the best interests of creditors and the estate.

As noted above, this matter will be called as scheduled to inquire whether Debtor has cured the delinquency and set the plan for hearing. If so, this motion may be DENIED WITHOUT PREJUDICE. Otherwise, the motion may be GRANTED AS MODIFIED, and the case CONVERTED TO CHAPTER 7.

13. [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;

NO RULING.

For the record, the court notes the procedural history of this motion. The Chapter 13 case of Sylvia Ogden ("Debtor") was dismissed on August 20, 2026, for failure to make plan payments. Doc. #75. On September 15, 2026, Debtor's counsel, Nancy Klepac ("Klepac") and the Law Offices of Timothy C. Springer ("the Springer Firm"), filed the instant *Motion to Vacate Dismissal of Case*, which was set for hearing on September 30, 2026. Docs. #78-79. However, neither Debtor nor Klepac nor any other attorney from the Springer Firm appeared at the scheduled hearing, and the court duly denied the motion for lack of prosecution. Doc. #83.

On October 2, 2026, Klepac and the Springer Firm filed an *Ex-Parte Motion to Reconsider* the court's denial of the motion to vacate. Doc. #85. That motion was accompanied by Klepac's Declaration in which she states that she did not appear at the September 30, 2026, hearing because she was in a Chapter 11 Status Conference before a different judge and "[i]t is unclear why chambers was not contacted by my office to explain [her] delay." Doc. #86. Klepac requested that the *Ex-Parte* motion and Declaration be considered as a late request for continuance.

The court then set the matter for October 7, 2026, at 9:30 a.m.

11:00 AM

1. [26-12517](#)-B-7 **IN RE: RAFAEL ANDRADE ISLAS**
[26-1046](#)

CONTINUED ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-26-2026 [\[9\]](#)

RODRIGUEZ V. ANDRADE ISLAS

NO RULING.

2. [26-12517](#)-B-7 **IN RE: RAFAEL ANDRADE ISLAS**
[26-1046](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
8-5-2026 [\[1\]](#)

RODRIGUEZ V. ANDRADE ISLAS
REYNA RODRIGUEZ/ATTY. FOR PL.

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

DISPOSITION: Concluded and dropped from the calendar.

ORDER: The court will prepare the order.

The summons was issued in the above-styled adversary proceeding on August 10, 2026, setting October 7, 2026, as the date for the initial status conference and giving the Plaintiff, Reyna Rodriguez, seven (7) days after issuance in which to serve the summons and complaint and file a certificate of service as to same. Doc. #2. No certificate of service indicating service of the summons and/or complaint has been filed. This Status Conference is therefore CONCLUDED and will be DROPPED from the calendar. The Plaintiff shall cause a new summons to be issued forthwith, serve the summons and complaint on the Defendant, and file a certificate of service as to same.

3. [26-11459](#)-B-7 **IN RE: JASPREET KAUR**
[26-1049](#)

ORDER TO SHOW CAUSE AND NOTICE OF INTENT TO GRANT SUA SPONTE
MOTION TO STRIKE COMPLAINT
9-10-2026 [\[9\]](#)

FIRST PACIFIC BANK V. KAUR

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

DISPOSITION: Vacated and dropped from calendar.

ORDER: The court will prepare the order.

On September 18, 2026, Plaintiff First Pacific Bank filed its
Statement Regarding Ownership of Corporate Debtor/Party. Doc. #12.
Accordingly, the *Order to Show Cause* is VACATED, and this matter
will be DROPPED from the calendar.

4. [24-24267](#)-B-7 **IN RE: RIKI TROWE**
[25-2135](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
7-22-2026 [\[87\]](#)

FARRIS V. MARRON ET AL
J. CUNNINGHAM/ATTY. FOR PL.

FINAL RULING: There will be no hearing on this matter

DISPOSITION: Continued to November 4, 2026, at 11:00 a.m.

ORDER: The court will enter the order.

It is hereby ORDERED that this Status Conference be CONTINUED to
November 4, 2026, at 11:00 a.m. to be heard in conjunction with the
Motion to Dismiss Defendant Katrina Trowe. Doc. #119.

5. [24-24267](#)-B-7 **IN RE: RIKI TROWE**
[25-2135](#) [NT-1](#)

MOTION TO DISMISS NOLAN TROWE
8-26-2026 [\[101\]](#)

FARRIS V. MARRON ET AL
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied. Defendant Nolan Trowe to file and serve an answer within 14 days of entry of the order.

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

Nolan Trowe ("Nolan" or "Movant"), one of the defendants in the above-styled adversary proceeding, moves pro se for his dismissal from the case. Doc. #103. The Trustee has responded. Doc. #123. While numerous procedural errors would normally lead the court to deny this motion without prejudice and while the court finds it lacks substantive merit, this matter will nevertheless be heard as scheduled.

Nolan filed this motion to dismiss without notice of a hearing date and without a certificate of service. *See docket generally.* The court *sua sponte* set the matter for hearing on October 7, 2026, at 11:00 a.m. and noticed all parties in interest. Doc. #102.

I. BACKGROUND

On September 24, 2024, Riki Trowe ("Riki" or "Debtor") filed the underlying bankruptcy case (Case No. 24-24267 or "the Main Case") under Chapter 13, later voluntarily converting to Chapter 7 on December 5, 2024. Main Case Docs. #1, #32. Nikki B. Farris ("Farris" or "Trustee") was appointed interim trustee on December 6, 2024, and became the serving trustee at the 341 meeting of creditors conducted by Farris on January 14, 2025. Main Case Doc. #33; Main Case Docket generally.

On October 20, 2025, Trustee filed this adversary proceeding. Doc. #1. Trustee amended the Complaint twice, most recently on July 22, 2026. Doc. #87. The Second Amended Complaint ("SAC") brought claims against Riki's former wife, Susan Marron ("Marron"), and Riki's four adult children, one of whom is Nolan. Doc. #87. Relevant to Nolan and the instant motion, the SAC alleges that Riki embezzled funds from a company he controlled ("VSC LLC" or "the Company") and transferred \$65,793.00 to Nolan between April 1, 2019, and October 28, 2022. *Id.* The SAC further alleges that Riki embezzled from his own company (RJT Consulting, LLC, or "RJT") the sum of \$860.00 which Riki also transferred to Nolan. *Id.* The SAC further alleges that Riki made postpetition transfers to Nolan totaling \$1,925.00. *Id.* The total amount alleged transferred by Riki to Nolan is \$67,718.00,

a relatively small percentage of the \$680,078.18 which Riki allegedly transferred to Marron and his other three children, but still a considerable sum. *Id.*

The SAC asserts claims for:

1. Count One: Avoidance and recovery of pre-petition fraudulent transfers pursuant to 11 U.S.C. § 544(b) pursuant to California Civil Code ("CCC") section 3439 and 28 U.S.C. § 3304(a)-(b); avoidance of pre-petition transfers as fraudulent under 11 U.S.C. § 548(a)(1); and recovery of pre-petition transfer or their value under 11 U.S.C. § 550(a)(1)-(2).
2. Count Two: Turnover of all post-petition transfers pursuant to 11 U.S.C. § 542(a).
3. Count Four: Damages for violation of the automatic stay pursuant to 11 U.S.C. § 105(a).

Id. The Third Count of the SAC applies only to Marron. *Id.*

On August 2, 2026, Nolan filed the instant *Motion to Dismiss*, seeking to have himself dismissed as a defendant in this adversary case. Doc. #101. The "motion" presents itself more accurately as a 4-page personal letter by Nolan to the court, albeit one which purports to be "under penalty of perjury." *Id.* Nolan presents the following arguments in favor of dismissing him:

1. "Good Faith: Code § 548(c)." Nolan contends that he was not aware of Riki's debts, judgments, or other financial matters at the time he accepted the transfers from him. He further contends that he was not even aware of his father's bankruptcy proceedings until he received a summons in this adversary proceeding in October of 2025. Nolan argues that, because he had no knowledge of his father's financial circumstances, he accepted those transfers in good faith, which he asserts as a defense.
2. "Lack of Personal Jurisdiction: Rule 12." Nolan argues that he is a full-time Pennsylvania resident who has "no meaningful connection to California." He has also been unable to secure representation by an attorney capable of representing him because "Pennsylvania bankruptcy attorneys cannot represent [him] in a California case" and "California attorneys are not versed in Pennsylvania law and have denied [Nolan's] requests for representation, because they cannot properly represent [him] as a Pennsylvania resident."
3. "Change of Venue: 28 U.S. Code § 1404." Nolan asserts that venue is improper as he is a Pennsylvania resident subject to different laws than those in California and "[a]s a Pennsylvania resident the California law does not apply to [him]."

Id.

On September 23, 2026, the Trustee responded. Doc. #123. After pointing out some of the procedural defects in the motion, the Trustee noted Nolan's motion, if it has any validity, must be viewed

as a motion to dismiss for "lack of personal jurisdiction," "improper venue," and/or "failure to state a claim upon which relief can be granted." Fed. R. Civ. 12(b)(1), (b)(2), and (b)(6), incorporated by Fed. R. Bankr. P. 7012(b). *Id.* Trustee correctly notes that the plaintiff bears the burden of establishing personal jurisdiction and venue but need only make a prima facie showing to avoid dismissal. *Id.* (cases omitted). Likewise, the court may only grant a Rule 12(b)(6) motion if the complaint lacks a "cognizable legal theory" or if its factual allegations do not support a cognizable legal theory. *Id.*

To that end, a complaint need only contain a "short and plain statement of the claim showing that the pleader is entitled to relief," Fed. R. Civ. P. 8 (a)(2), though it need not include "detailed factual allegations." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). This "sufficient factual matter" must merely make the claim plausible. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Id. With those guidelines established, the Trustee moves on to the meat of the motion. Trustee first notes that Nolan has effectively waived the issues of venue or personal jurisdiction by not raising them as affirmative defenses in his answer to the SAC. *Id.* Indeed, Nolan's "Answer" was so sparse that it is surprising that Trustee did not seek to have it struck as non-responsive. Nolan's Answer states in its entirety:

Case Number: 25-02135-A
DCN: CAE1*

PLAINTIFF/PETITIONER: Nikki Farris

DEFENDANT/RESPONDENT: Nolan Trowe

DEFENDANT: Nolan Trowe generally denies each and every allegation of plaintiffs [sic] complaint.

Respectfully,

Nolan Trowe

Doc. #30. The Answer also includes a date, Nolan's signature, and addresses for both Nolan and the court whose case this was at the time (Judge Fredrick E. Clement, from whom this case was transferred to the undersigned on March 6, 2026). *Id.*; *Docket generally*. Trustee argues that "a pro se litigant is not excused from knowing the most basic pleading requirements." Doc. #123 (citing *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 382 (9th Cir.1997)).

Turning to the substantive merits of the case and Nolan's purported defenses, the Trustee points to the text of § 548(c), which states in relevant part:

(1) The trustee may avoid any transfer (including any transfer to or for the benefit of an insider under an employment contract) of an interest of the debtor in

property, or any obligation (including any obligation to or for the benefit of an insider under an employment contract) incurred by the debtor, that was made or incurred on or within 2 years before the date of the filing of the petition, if the debtor voluntarily or involuntarily—

(A) made such transfer or incurred such obligation with actual intent to hinder, delay, or defraud any entity to which the debtor was or became, on or after the date that such transfer was made or such obligation was incurred, indebted; or

(B)

(i)

received less than a reasonably equivalent value in exchange for such transfer or obligation; and

(ii)

(I)

was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such transfer or obligation;

(II)

was engaged in business or a transaction, or was about to engage in business or a transaction, for which any property remaining with the debtor was an unreasonably small capital;

(III)

intended to incur, or believed that the debtor would incur, debts that would be beyond the debtor's ability to pay as such debts matured; or

(IV)

made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.

11 U.S.C. § 548(c). Under the law, Nolan's protestations of his own good faith are simply not relevant to a fraudulent transfer analysis. The relevant inquiry is on whether Riki, the *transferor*, acted in good faith in making the transfers within two years prior to the petition date and, in some cases, post-petition.

Section 550(b)(1) provides a safe harbor defense to some transferees who have acted in good faith. *Schafer v. Las Vegas Hilton Corp. (In re Video Depot, Ltd.)*, 127 F.3d 1195, 1199 (9th Cir. 1997) (initial transferees are subject to strict liability while subsequent transferees may assert the good faith defense). The elements of the "good faith" defense are (1) good faith, (2) for value, and (3) without knowledge of the voidability of the transfer. *Mosier v. Goodwin (In re Goodwin)*, 115 B.R.

674, 676 (Bankr. C.D. Cal. 1990). The burden of proving the defense is upon [the transferee].

Woods & Erickson, LLP v. Leonard (In re AVI, Inc.), 389 B.R. 721, 736 (B.A.P. 9th Cir. 2008).

In this instance, Riki was the debtor and the transferor, and Nolan was the initial transferee. Had Nolan then transferred the funds received to some other entity (a subsequent transferee), that entity might have been able to assert a good faith defense if the entity could prove the three elements listed above. But as the initial transferee, Nolan is subject to strict liability for accepting the transfer and may be compelled by the Trustee to turnover the assets transferred.

The purpose of [the § 550(b)(1) scheme] is to protect creditors "from last-minute diminutions of the pool of assets in which they have interests," while at the same time to guard against "the waste that would be created if people either had to inquire how their transferors obtained their property or to accept a risk that a commercial deal would be reversed for no reason they could perceive at the time." Section 550 balances these two goals by imposing on the initial transferee the "burden of inquiry and the risk if the conveyance is fraudulent." While the initial transferee is in the best position to monitor the transaction, "subsequent transferees usually do not know where the assets came from and would be ineffectual monitors if they did."

Schafer, 127 F.3d at 1198) (citations omitted). Stated plainly, "[t]he trustee's right to recover from an initial transferee is absolute." *Id.*

While Nolan protests that he had no knowledge of Riki's financial difficulties or dealings or of Riki's bankruptcy before or after it commenced, as a close insider, Nolan was in the best position to monitor the transaction and realize its impropriety, regardless of his actual knowledge of such impropriety, and the strict liability imposed by the Bankruptcy Code precludes his good faith defense, at least for 12(b)(6) purposes.

Nolan's 12(b)(2) and (b)(3) objections must also fail. Even ignoring the issue of waiver, the Trustee has shown a prima facie that the court's exercise of personal jurisdiction and venue are proper. Fed. R. Bankr. P. 7004(f) states:

(f) **Establishing Personal Jurisdiction.** If exercising jurisdiction is consistent with the United States Constitution and laws, serving a summons or filing a waiver of service under this Rule 7004 or the applicable provisions of Fed. R. Civ. P. 4 establishes personal jurisdiction over a defendant:

(1) in a bankruptcy case; or

(2) in a civil proceeding arising under the Code, or arising in or related to a case under the Code.

Nolan argues that the fact that he is not a California resident and has no connections with California precludes this court from exercising personal jurisdiction over him. He is incorrect. The court has jurisdiction over Riki's bankruptcy case and any adversary proceedings arising in connection with it, such as this one. For purposes of personal jurisdiction, Nolan accepted what the Trustee argues to be fraudulent transfers from a Chapter 7 debtor during the relevant time periods. That is a sufficient nexus to justify the exercise of personal jurisdiction.

Likewise, venue for an adversary proceeding is governed by the interaction of 28 U.S.C. §§ 1408 and 1409. And under those statutes, venue in this district is proper because (a) venue is proper for Riki's bankruptcy case, (b) this adversary proceeding against Nolan and others, arises under or arises in or is related to Riki's bankruptcy case, and (c) neither of the two venue exceptions provided in § 1409(b) or (d) is applicable.

Because Nolan is a pro se litigant, the hearing in this matter will proceed as scheduled. The court is inclined to DENY the motion for the reasons stated above. Movant will be directed to file and serve an answer to the Second Amended Complaint no later than fourteen (14) days after entry of the order.