



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Tuesday, October 13, 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.

9:30 AM

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

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

DAVID JOHNSTON/ATTY. FOR DBT.

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

DISPOSITION: Dropped as moot.

NO ORDER REQUIRED.

The court is granting the motion to dismiss this bankruptcy case by final ruling.
See calendar matter #2 below. Therefore, this status conference is DROPPED AS
MOOT.

2. [26-13119](#)-A-11 **IN RE: DIESEL POWER TECHNOLOGY, INC.**
[UST-1](#)

MOTION TO DISMISS CASE AND/OR MOTION TO CONVERT CASE FROM CHAPTER 11 TO
CHAPTER 7
9-2-2026 [[36](#)]

PETER ANDERSON/MV
DAVID JOHNSTON/ATTY. FOR DBT.
MICHAEL FLETCHER/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

Peter C. Anderson, the United States Trustee for Region 17 ("UST"), moves to dismiss the chapter 11 bankruptcy case of Diesel Power Technology, Inc. ("Debtor") pursuant to 11 U.S.C. § 1112(b). Doc. #36. UST argues that Debtor's bankruptcy case should be dismissed for cause under 11 U.S.C. § 1112(b) because Debtor failed to (a) attend multiple meetings of creditors [11 U.S.C. § 1112(b)(4)(G)], (b) file sufficient and timely monthly operating reports [11 U.S.C. § 1112(b)(4)(F)], and (c) expeditiously prosecute the case or provide information reasonably requested by UST [11 U.S.C. § 1112(b)(4)(H)]. Id. Debtor has not opposed the motion.

Debtor filed this subchapter V chapter 11 bankruptcy on July 1, 2026. Doc. #1. On July 7, 2026, UST requested documents from Debtor in connection with the initial debtor interview and meeting of creditors, including bank statements, business licenses, proof of insurance, and profit and loss statements (together, the "Documents"). Decl. of Shane Bharat, Doc. #38. The Documents were to be produced on or before July 22, 2026. Id. As of the filing of the motion on September 2, 2026, the Documents have not been produced to UST. Id.

Debtor's initial meeting of creditors was scheduled for July 29, 2026. Bharat Decl., Doc. #38. Debtor and its counsel appeared at the initial meeting of creditors; however, the meeting was continued to August 11, 2026 because Debtor had not produced any of the Documents requested by UST. Id. Neither Debtor nor its counsel appeared at the continued meeting of creditors held on August 11, 2026, and the meeting of creditors was continued to August 26, 2026. Id. Debtor's counsel appeared at the continued meeting of creditors held on August 26, 2026, but Debtor failed to appear. Id. A review of the court's docket shows that the meeting of creditors was continued to September 9, 2026. See court docket entry dated August 28, 2026. Debtor's counsel appeared at the continued meeting of creditors held on September 9, 2026, but Debtor failed to appear. See court docket entry dated September 11, 2026. The meeting of creditors was further continued to October 15, 2026. Id.

Pursuant to LBR 2015-1(a) Debtor is required to file monthly operating reports since the inception of its bankruptcy case, with the first monthly operating report for July 2026 due on August 21, 2026, and the second monthly operating report for August 2026 due on September 21, 2026. A review of the court's docket shows that no monthly operating reports have been filed in this bankruptcy case.

"Dismissal of a chapter 11 case under 11 U.S.C. § 1112(b) requires a two-step analysis." Moore v. United States Tr. for Region 16 (In re Moore), 583 B.R. 507, 511 (C.D. Cal. 2018). It must first be determined that there is "cause" to act, and it then must be determined that dismissal, rather than conversion to chapter 7 or appointment of a trustee, is in the best interests of the creditors and the estate. Id. (citing Nelson v. Meyer (In re Nelson), 343 B.R. 671, 675 (B.A.P. 9th Cir. 2006)).

The court finds that cause exists to dismiss Debtor's chapter 11 case under 11 U.S.C. § 1112(b)(4)(G) because Debtor failed to attend multiple meetings of creditors. Cause also exists under 11 U.S.C. § 1112(b)(4)(F) because Debtor failed to file sufficient and timely monthly operating reports. Finally, cause exists under 11 U.S.C. § 1112(b)(4)(H) because Debtor failed to expeditiously prosecute the case or provide information reasonably requested by UST. Because Debtor has not appeared at the continued meeting of creditors and because there

is minimal value in Debtor's personal property (see Schedule A/B, Doc. #18), the court finds that conversion is not in the best interests of creditors and the estate, so dismissal rather than conversion is appropriate.

Accordingly, UST's motion to dismiss under 11 U.S.C. § 1112(b) is granted.

3. [26-12633](#)-A-11 **IN RE: LEWIS TOWING 2 INC.**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
6-3-2026 [[1](#)]

JOSEPH WEST/ATTY. FOR DBT.

NO RULING.

4. [26-12633](#)-A-11 **IN RE: LEWIS TOWING 2 INC.**
[FRB-2](#)

MOTION TO DISMISS CASE
9-15-2026 [[82](#)]

LUIS LUNA/MV
JOSEPH WEST/ATTY. FOR DBT.
GERRICK WARRINGTON/ATTY. FOR MV.

NO RULING.

As a procedural matter, the opposition filed by the debtor does not comply with LBR 9014-1(f)(1)(B) because the opposition to the motion to dismiss was not served and filed with the court by the debtor at least fourteen (14) days preceding the date of the hearing. The opposition was filed on September 30, 2026, which was thirteen (13) days before hearing and is untimely. LBR 9014-1(f)(1)(B) requires a party to show good cause before the court will consider an untimely filing. Here, there is no showing provided by the debtor for the untimely filed opposition.

As a further procedural matter, the exhibits filed in connection with the opposition do not comply with LBR 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. Here, the declaration was filed as a single document that included the debtor's exhibits. Doc. #84.

As a further procedural matter, the certificate of service filed in connection with the opposition papers (Doc. #103) does not comply with LBR 7005-1, which requires attorneys and trustees to use the court's Official Certificate of Service Form.

5. [25-26635](#)-A-9 **IN RE: DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1**
[BWS-4](#)

MOTION FOR ORDER FIXING DECEMBER 4, 2026, AS THE BAR DATE FOR ALL CLAIMS,
MOTION FOR ORDER APPROVING FORM OF NOTICE OF BAR DATE, MOTION FOR ORDER
REQUIRING DEBTOR TO PROVIDE NOTICE OF BAR DATE TO CREDITORS AND PARTIES
IN INTEREST BY NO LATER THAN NOVEMBER 6, 2026.

9-23-2026 [[108](#)]

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

NO RULING.

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

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

JOSEPH BUCHMAN/ATTY. FOR DBT.

NO RULING.

7. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
2-17-2026 [[1](#)]

PETER SAUER/ATTY. FOR DBT.

NO RULING.

8. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-3](#)

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

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

NO RULING.

9. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-5](#)

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

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

NO RULING.

10. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[FW-6](#)

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

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

NO RULING.

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

MOTION FOR APPROVING ADEQUACY OF THE DISCLOSURE STATEMENT
8-26-2026 [\[310\]](#)

THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS/MV
PETER SAUER/ATTY. FOR DBT.
MICHAEL SWEET/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

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

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

Based on the status report filed by The Official Committee of Unsecured Creditors ("Committee") on October 2, 2026 (Doc. #410), the court will continue the hearing on the motion to approve the adequacy of the disclosure statement to November 18, 2026 at 9:30 a.m. The Committee shall file an amended plan and disclosure statement on or before November 4, 2026. Any opposition to the adequacy of the amended plan and disclosure statement shall be filed and served on or before November 12, 2026.

MOTION FOR COMPENSATION FOR OLYMPUS GUARDIANS LLC, FINANCIAL ADVISOR(S)
9-15-2026 [\[368\]](#)

THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS/MV
PETER SAUER/ATTY. FOR DBT.
MICHAEL SWEET/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

As a procedural matter, the notice of hearing filed in connection with this motion does not comply with LBR 9014-1(d)(3)(B)(i), which requires the notice to include the names and addresses of persons who must be served with any opposition. The court encourages counsel to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

Olympus Guardians LLC ("Movant"), financial advisors for The Official Committee of Unsecured Creditors ("Committee") for Friedenbach Family Farms LLC ("Debtor"), requests an allowance of interim compensation and reimbursement for expenses for services rendered from April 10, 2026 through August 31, 2026. Doc. #368. Movant provided professional services valued at \$95,355.00, and requests compensation for that amount. Id. Movant does not request any reimbursement for expenses. This is Movant's first fee application in this case.

Section 330(a)(1) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a "professional person." 11 U.S.C. § 330(a)(1). In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Movant's services included, without limitation: (1) analyzing cash collateral budgets and related cash collateral issues; (2) reviewing Debtor's financial affairs and monthly operating reports; (3) evaluating secured creditor claims and collateral positions; (4) preparing for and attending multiple Committee meetings; (5) investigating potential recovery sources for the benefit of unsecured creditors; (6) reviewing potential liquidating plan terms; and (7) preparing this motion. Decl. of Arian Eghbali, Doc. #371; Ex. 2, Doc. #372. The court finds the compensation and reimbursement sought are reasonable, actual, and necessary.

This motion is GRANTED. The court allows interim compensation in the amount of \$95,355.00. Movant is allowed interim fees and costs pursuant to 11 U.S.C. § 331, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure. Debtor is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

13. [26-10638](#)-A-11 **IN RE: FRIEDENBACH FAMILY FARMS LLC**
[WJH-1](#)

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

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

NO RULING.

14. [26-10548](#)-A-11 **IN RE: CLIFFORD CATON**
[FW-12](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION FOR COMPENSATION FOR
BETTER HOMES AND GARDEN EVERYTHING REAL ESTATE, BROKER(S)
9-23-2026 [[201](#)]

BETTER HOMES AND GARDEN EVERYTHING REAL ESTATE/MV
PETER FEAR/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order

Local Rule of Practice ("LBR") 9014-1(f)(2) allows a moving party to file and serve a motion on at least 14 days' notice "unless additional notice is required by the Federal Rules of Bankruptcy Procedure." Federal Rule of Bankruptcy Procedure ("Rule") 2002(a)(2) requires at least 21 days' notice by mail to all

creditors of the hearing for a motion to sell property of the estate outside of the ordinary course of business.

Notice of this motion was initially sent by mail on September 23, 2026 with a hearing date set for October 13, 2026, which is 20 days before the hearing. Doc. ##202, 206. An amended notice of this motion was sent by mail on September 29, 2026 with a hearing date set for October 13, 2026, which is 14 days before the hearing. Doc. ##214, 215. Because this motion to sell was set for hearing on less than 21 days' notice, this motion is DENIED WITHOUT PREJUDICE for improper notice under Rule 2002(a)(2).

15. [26-10548](#)-A-11 **IN RE: CLIFFORD CATON**
[FW-14](#)

CONTINUED CHAPTER 11 CHAPTER 11 DISCLOSURE STATEMENT FILED BY DEBTOR
CLIFFORD JAMES CATON
6-9-2026 [[109](#)]

PETER FEAR/ATTY. FOR DBT.
CONTINUED TO 11/4/26 BY ECF ORDER #225

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

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

NO ORDER REQUIRED.

On October 2, 2026, the court issued an amended order continuing the hearing to approve the disclosure statement to November 4, 2026 at 9:30 a.m. Doc. #225.

16. [24-13373](#)-A-11 **IN RE: HILLER AIRCRAFT CORPORATION**
[YW-9](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF YOUNG WOOLDRIDGE FOR
LEONARD K. WELSH, DEBTORS ATTORNEY(S)
9-22-2026 [[208](#)]

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 the hearing.

This motion was filed and served on at least 21 days' notice prior to the hearing date pursuant to Federal Rule of Bankruptcy Procedure 2002 and 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.

The Law Offices of Young Wooldridge ("Movant"), counsel for the debtor and debtor in possession Hiller Aircraft Corporation ("DIP"), requests allowance of interim compensation in the amount of \$10,240.00 and reimbursement for expenses in the amount of \$149.15 for services rendered from May 1, 2026 through July 31, 2026. Doc. #208. This is Movant's sixth fee application in this case. The court has previously approved a total of \$41,827.96 in interim fees and expenses, all of which has been paid to Movant. Doc. #208.

Section 330(a)(1) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a "professional person." 11 U.S.C. § 330(a)(1). In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Movant's services included, without limitation: (1) providing general case administration; (2) reviewing and approving monthly operating reports; (3) preparing and prosecuting fee and employment applications; and (4) responding to various correspondence. Decl. of Leonard K. Welsh, Doc. #211; Ex. B, Doc. #212. The court finds the compensation and reimbursement sought are reasonable, actual, and necessary.

This motion will be GRANTED. The court allows interim compensation in the amount of \$10,240.00 and reimbursement of expenses in the amount of \$149.15. Movant is allowed interim fees and costs pursuant to 11 U.S.C. § 331, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure. The debtor is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

1. [26-12702](#)-A-7 **IN RE: DESTINY RAMIREZ**

PRO SE REAFFIRMATION AGREEMENT WITH HYUNDAI CAPITAL AMERICA DBA HYUNDAI
MOTOR FINANCE
9-16-2026 [[25](#)]

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

DISPOSITION: Denied.

ORDER: The court will issue an order.

On September 16, 2026, a reaffirmation agreement with Hyundai Capital America dba Hyundai Motor Finance ("Agreement") was filed. Doc. #25. The Agreement is not signed by the creditor.

A debtor's unilateral reaffirmation of a pre-petition debt does not constitute a valid reaffirmation agreement for purposes of 11 U.S.C. § 524(c). In re Turner, 156 F.3d 713 (7th Cir. 1998).

Because only the debtor has signed the Agreement, the Agreement does not meet the requirements of 11 U.S.C. § 524(c) and is not approved. No appearance is necessary.

1. [26-12902](#)-A-7 **IN RE: TABITHA SPICKNALL**

CONTINUED ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
8-26-2026 [[24](#)]

JEFFREY ROWE/ATTY. FOR DBT.
\$199 FILING FEE PAID

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the filing fee for the motion for relief from the automatic stay has been paid.

2. [26-12902](#)-A-7 **IN RE: TABITHA SPICKNALL**
[KMM-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
8-12-2026 [[16](#)]

HARLEY-DAVIDSON/MV
JEFFREY ROWE/ATTY. FOR DBT.
KIRSTEN MARTINEZ/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

The movant, Harley-Davidson ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2024 Harley-Davidson FLHX Street Glide, VIN: 1HD1KB728RB641298 ("Vehicle"). Doc. #16.

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

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least four pre- and post-petition payments. Decl. of Jenifer Ford, Doc. #19. Movant has produced evidence that the debtor is delinquent by at least \$2,599.72. Id.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. Doc. #16; Ford Decl., Doc. #19. The Vehicle is valued at \$24,555.00 and the debtor owes \$31,425.27. Id.

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

3. [26-12618](#)-A-7 **IN RE: JOSE GUILLEN**
[CAE-1](#)

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE: DISCLOSURE OF
ATTORNEY COMPENSATION
9-16-2026 [[20](#)]

SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the missing disclosure of attorney compensation was filed on September 25, 2026. Doc. #22. Therefore, this order to show cause is VACATED.

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-3-2026 [\[16\]](#)

AMERICREDIT FINANCIAL SERVICES, INC./MV
MARIO LANGONE/ATTY. FOR DBT.
MEHRDAUD JAFARNIA/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

The movant, AmeriCredit Financial Services, Inc. dba GM Financial ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2021 Kia K5, VIN: 5XXG14J28MG044173 ("Vehicle"). Doc. #16.

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

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtors have failed to make at least three pre-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$2,106.11, including late fees of \$67.94. Decl. of Adriana Arredondo, Doc. #19. According to the debtors' Statement of Intention, the Vehicle will be surrendered. Doc. #1.

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The court also finds that the debtors do not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtors are in chapter 7. The Vehicle is valued at \$11,275.00 and the debtors owe \$20,249.42. Arredondo Decl., Doc. #19.

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

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) is ordered waived because the debtors have failed to make at least three pre-petition payments to Movant and the Vehicle is a depreciating asset.

5. [22-12133](#)-A-7 **IN RE: COMMUNITY REGIONAL ANESTHESIA MEDICAL GROUP, INC.**
[WTJ-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-1-2026 [\[110\]](#)

REGIONAL CERTIFIED REGISTERED NURSE ANESTHETIST PARTNERS/MV
RILEY WALTER/ATTY. FOR DBT.
MANDY JEFFCOACH/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

As an informative matter, the movants incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #114. However, Federal Rules of Bankruptcy Procedure ("Rule") 4001(a)(1) and 9014(b) require service of a motion for relief from stay to be made pursuant to Rule 7004 on both the chapter 7 trustee and the debtor, which was done here. In Section 6,

the declarant should have checked the appropriate boxes under both Section 6A and Section 6B.

The movants, Regional Certified Registered Nurse Anesthetist Partners ("RCRNA") and Regional Anesthesia Associates, Inc. ("RAA" and with RCRNA, "Movants"), seek relief from the automatic stay under 11 U.S.C. § 362(d)(1) to permit Movants to proceed with an arbitration action currently pending in Superior Court of California, County of Fresno, Case No. 21CECG02397 (the "Arbitration Action"), involving chapter 7 debtor Community Regional Anesthesia Medical Group, Inc. ("Debtor"), among others. Doc. #110. The Arbitration Action is in reference to a cross-complaint filed by John Juve, Simranjit Bassi, Oracle Anesthesia, Inc. and Bassi Nursing Anesthesia, Inc. (together, "Defendants") against RAA and Debtor in response to a complaint filed by Movants against Defendants for breach of contract and the misappropriation of trade secrets, among other things. Id.; Decl. of Mandy L. Jeffcoach, Doc. #111

While the Arbitration Action was pending, Debtor filed this chapter 7 bankruptcy case on December 16, 2022, which stayed the Arbitration Action. Jeffcoach Decl., Doc. #111. On March 17, 2026, Movants reached out to Irma Edmonds ("Trustee"), the chapter 7 trustee, asking for an estimated time in which the final accounting and closing of the bankruptcy action could be completed. Id. Trustee responded by confirming that Trustee was working on closing out cases, but recommended Movants file this motion for relief from the automatic stay. Id. Movants request the court grant this motion to allow Movants to proceed with the underlying Arbitration Action because Movants have been awaiting to assert their claims since 2021. Id.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the automatic stay for cause. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case by case basis." In re Mac Donald, 755 F.2d 715, 717 (9th Cir. 1985). When a movant prays for relief from the automatic stay to initiate or continue non-bankruptcy court proceedings, a bankruptcy court may consider the "Curtis factors" in making its decision. In re Kronemyer, 405 B.R. 915, 921 (9th Cir. B.A.P. 2009). "[T]he Curtis factors are appropriate, nonexclusive, factors to consider in determining whether to grant relief from the automatic stay" to allow litigation in another forum. Id. The Curtis factors include: (1) whether the relief will result in a partial or complete resolution of the issues; (2) the lack of any connection with or interference with the bankruptcy case; (3) whether the non-bankruptcy forum has the expertise to hear such cases; (4) whether litigation in another forum would prejudice the interests of other creditors; and (5) the interest of judicial economy and the expeditious and economical determination of litigation for the parties. In re Curtis, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984).

Here, granting Movants relief from the automatic stay will allow Movants to continue the Arbitration Action in state court, which will allow the underlying claims Movants have asserted since 2021 to finally be adjudicated on its merits. Further, the interests of judicial economy favor granting relief from the automatic stay so that Movants can proceed with the Arbitration Action. Finally, permitting Movants to pursue a judgment in state court will not prejudice the interests of Debtor as the issues in the Arbitration Action relate to claims not at issue in Debtor's bankruptcy case. Jeffcoach Decl., Doc. #111. Debtor will suffer no legally cognizable harm by being forced to resolve the Arbitration Action in state court.

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For these reasons, the court finds that cause exists to lift the stay pursuant to 11 U.S.C. § 362(d)(1) to permit Movants to proceed with the Arbitration Action in state court and enforce any resulting judgment.

Accordingly, the court grants the motion pursuant to 11 U.S.C. § 362(d)(1) to proceed under applicable nonbankruptcy law to permit Movants to proceed with the Arbitration Action in state court and to enforce any resulting judgment. No other relief is awarded.

6. [26-13842](#)-A-7 **IN RE: DANA BRLEY**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT INFORMATION IN PACER
9-9-2026 [[13](#)]

BAHRAM MADAEN/ATTY. FOR DBT.

NO RULING.

The debtor's counsel has not corrected the discrepancy in the email addresses. PACER shows an email address of ssiroos@hotmail.com. The petition shows an email address of attorneymadaen@gmail.com. Doc. #1. If the email address on the petition is incorrect, then an amended petition with the correct email address needs to be filed to resolve this order to show cause. Otherwise, the PACER account email address for counsel for the debtor needs to be updated to resolve this order to show cause.

7. [25-13264](#)-A-7 **IN RE: JOHN NEUFIELD**
[JN-2](#)

AMENDED MOTION FOR SANCTIONS FOR VIOLATION OF THE AUTOMATIC STAY
9-16-2026 [[61](#)]

JOHN NEUFIELD/MV
RESPONSIVE PLEADING
DISMISSED 01/16/2026

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.

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). SBE LP ("SBE") and Capitol Real Estate Group ("Capitol") filed timely written opposition. The failure of other 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. Constitutional

due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has not done here.

As a procedural matter, no certificate of service was filed with the court showing when the motion and supporting papers were served on what parties were served. Therefore, the motion filed by the defendant does not comply with LBR 9014-1(e)(3), which requires that proof of service of all pleadings be filed with the court not more than three (3) days after the pleading is filed with the court. Because there is no certificate of service filed with the motion (Doc. #61), the court cannot determine whether the interested parties were served properly. However, because the court intends to deny the motion and in the interest of judicial economy, the court will proceed with the motion for sanctions as scheduled on the merits notwithstanding the improper notice.

John Neufield, the debtor in this re-opened chapter 7 case, moves the court for (i) an order holding Shellpoint Mortgage Servicing, Peak Foreclosure Services, Inc., NewRez LLC, Rithm Capital Corporation, SBE, and Capitol (collectively, "Creditors") in contempt for willful violations of the automatic stay pursuant to 11 U.S.C. § 362(a), and (ii) sanctions of \$203,000.00 in actual damages, \$609,000.00 in statutory damages and \$250,000.00 in non-economic damages pursuant to 11 U.S.C. § 362(k). Doc. #61.

Debtor filed a skeletal chapter 7 bankruptcy case on September 29, 2025. Doc. #1. Debtor was not represented by an attorney. Id. Notice was given to Debtor on September 29, 2025, that the missing documents were to be received by the bankruptcy clerk's office by October 14, 2025. Doc. #4. Specifically, Debtor was to file his Statement of Monthly Income, Schedules A-J, Statement of Financial Affairs and Summary of Assets and Liabilities by October 14, 2025. Id. A Notice of Intent to Dismiss Case if Documents are Not Timely Filed was served on Debtor on October 3, 2025. Doc. #14. Debtor's bankruptcy case was dismissed on October 17, 2025 for the failure of Debtor to timely file documents. Doc. #15. On October 27, 2025, Debtor filed a motion to vacate dismissal, which was granted on November 4, 2025. Doc. ##20, 25.

Although there was a motion to reinstate the bankruptcy pending to be heard, Creditors conducted a trustee sale of Debtor's real property on October 28, 2025, and the real property was transferred to SBE for \$280,000.00. Doc. #61; Exs. P, V, Z, and BB, Doc. #60.

Debtor's case was dismissed again on January 16, 2026 for Debtor's failure to appear at the § 341 meeting of creditors. Order, Doc. #44. Debtor's bankruptcy case was closed on February 3, 2026. Doc. #47. Six months after the bankruptcy case was closed, Debtor filed a motion to re-open his bankruptcy case, which was granted. Doc. ##48, 49.

In the motion, Debtor seeks to hold Creditors liable for violating the automatic stay for proceeding with the trustee sale while a motion to reinstate Debtor's bankruptcy case was pending. Doc. #61.

SBE and Capitol oppose the motion because, among other things, there was no automatic stay in place when the trustee sale occurred. Doc. #64. The court agrees that there was no automatic stay in Debtor's bankruptcy case from the date Debtor's bankruptcy case was dismissed on October 17, 2026 to the date the motion to vacate dismissal was granted on November 4, 2025. 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, from the period of October 17, 2026 to November 4, 2026, there was no automatic stay in place with respect to Debtor's bankruptcy case. Consequently, any actions of Creditors during that period, such as the trustee sale that occurred on October 28, 2025, did not violate the automatic stay because Debtor's bankruptcy case was dismissed during that period of time.

Accordingly, the motion will be denied.

8. [26-12873](#)-A-7 **IN RE: APRIL ABRAMS**
[RH-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-11-2026 [\[15\]](#)

TD BANK, N.A./MV
SUSAN SALEHI/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

The movant, TD Bank, N.A. ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a 2022 Jeep Cherokee WK, VIN: 1C4RJEAG0NC155540 ("Vehicle"). Doc. #15.

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

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make two post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$2,076.76. Decl. of David Tagliaferri, Doc. #17. According to the debtor's Statement of Intention, the Vehicle will be surrendered. Doc. #1.

The court also finds that the debtor does not have any equity in the Vehicle and the Vehicle is not necessary to an effective reorganization because the debtor is in chapter 7. The Vehicle is valued at \$23,810.00 and the debtor owes \$28,039.19. Tagliaferri Decl., Doc. #17.

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

The 14-day stay of Fed. R. Bankr. P. 4001(a)(4) is ordered waived because the debtor has failed to make at least two post-petition payments to Movant and the Vehicle is a depreciating asset.

9. [26-13573](#)-A-7 **IN RE: JAIME/TERRA HUTCHESON**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
9-25-2026 [\[25\]](#)

SIMRAN HUNDAL/ATTY. FOR DBT.
\$199 FILING FEE PAID

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the filing fee for the motion for relief from the automatic stay has been paid.

MOTION FOR RELIEF FROM AUTOMATIC STAY
9-11-2026 [\[14\]](#)

FREEDOM MORTGAGE CORPORATION/MV
SIMRAN HUNDAL/ATTY. FOR DBT.
FANNY WAN/ATTY. FOR MV.

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

DISPOSITION: Granted.

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

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

The movant, Freedom Mortgage Corporation ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to real property located at 2301 Trail Way, Turlock, California 95382 ("Property"). Doc. #14.

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

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtors have failed to make at least twelve complete pre- and post-petition payments. Movant has produced evidence that the debtors are delinquent by at least \$60,056.70. Decl. of Heather Marie Diaz, Doc. #17.

The court also finds that the debtors do not have any equity in the Property and the Property is not necessary to an effective reorganization because the debtors

are in chapter 7. The Property is valued at \$635,440.00 and the debtors owe \$685,759.24. Schedule A/B, Doc. #1; Diaz Decl., Doc. #17.

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

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

11. [24-25488](#)-A-7 **IN RE: BRIAN FULKERSON**
[RH-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
8-26-2026 [\[56\]](#)

MERCEDES-BENZ FINANCIAL SERVICES USA LLC/MV
MOHAMMAD MOKARRAM/ATTY. FOR DBT.
ROSEMARY HONG/ATTY. FOR MV.
RESPONSIVE PLEADING
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion for relief the automatic stay on October 9, 2026.
Doc. #82.

12. [26-12490](#)-A-7 **IN RE: KAREN KLASSEN**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
9-11-2026 [\[22\]](#)

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

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the amendment filing fee has been paid.

1. [26-12426](#)-A-12 **IN RE: TRI-FANUCCHI FARMS, LLC**
[CAE-1](#)

RESCHEDULED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
5-26-2026 [[1](#)]

RILEY WALTER/ATTY. FOR DBT.

NO RULING.

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

RESCHEDULED HEARING RE: OBJECTION TO CLAIM OF CALIFORNIA AGRICULTURAL LABOR
RELATIONS BOARD, CLAIM NUMBER 1
8-24-2026 [[121](#)]

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

NO RULING.

As a procedural matter, the exhibits filed in connection with the opposition to the objection to claim do not comply with Local Rule of Practice 9004-2(c)(1) and (d)(1), which require declarations and exhibits to be filed as separate documents. Here, the declaration was filed as a single document that included the claimant's exhibits. Doc. #160.

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

3. [26-10469](#)-A-12 **IN RE: MCCALL'S NURSERIES, INC.**
[CAE-1](#)

RESCHEDULED STATUS CONFERENCE RE: CHAPTER 12 VOLUNTARY PETITION
2-3-2026 [[1](#)]

RILEY WALTER/ATTY. FOR DBT.

NO RULING.

At the prior status conference in this case, the court ordered the debtor to file and serve an updated status report not later than October 6, 2026. Order, Doc. #161. That has not been done. At the hearing on October 13, 2026, counsel for the debtor should be prepared to explain to the court why the debtor failed to comply with this court's order.

4. [26-12410](#)-A-13 **IN RE: LATRICE GONZALEZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
7-17-2026 [[14](#)]

LILIAN TSANG/MV
MOHAMMAD MOKARRAM/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

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

Latrice Moniz Gonzalez ("Debtor") filed a voluntary petition under chapter 13 along with a chapter 13 plan ("Plan") on May 26, 2026. Doc. #1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because: (1) Debtor needs to file an amended Schedule C as well as amended Forms 122C-1 and 122C-2; (2) Debtor has failed to provide requested documents to Trustee; and (3) the meeting of creditors has not concluded. Doc. #14.

On September 8, 2026, Debtor responded to Trustee's objection to confirmation stating Debtor is still in the process of amending her profit and loss documents and possible amendments to her 2025 tax returns and is current in her plan payments. Doc. #21. Debtor also noted that her § 341 meeting of creditors had been continued to October 8, 2026. Id.

The court continued the hearing on this objection to October 13, 2026 to be heard after the date for the continued § 341 meeting of creditors. Order, Doc. #24. Debtor's § 341 meeting of creditors was concluded on October 8, 2026. See court docket entry entered on October 8, 2026. It appears that all outstanding issues raised in Trustee's objection to confirmation have been resolved.

Accordingly, unless withdrawn prior to the hearing, this objection to confirmation will be OVERRULED.

5. [26-12811](#)-A-13 **IN RE: DAVID LEBOUTILLIER**
[PGM-1](#)

CONTINUED MOTION TO VALUE COLLATERAL OF TRI COUNTIES BANK
7-30-2026 [[19](#)]

DAVID LEBOUTILLIER/MV
PETER MACALUSO/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

MOTION TO VALUE COLLATERAL OF TRAVIS CREDIT UNION
9-8-2026 [\[20\]](#)

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

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory certificate of service form. In Section 6, the declarant failed to marked box 6.A. showing that service was effectuated by Federal Rule of Bankruptcy Procedure 7004.

Josalynn Aguilera and Nathaniel Logan Aguilera-Ronquillo (together, "Debtors"), the debtors in this chapter 13 case, move the court for an order valuing Debtors' 2019 Chevy Silverado ("Vehicle"), which is the collateral of Travis Credit Union ("Creditor"), at \$24,000.00. Doc. #20.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that where the debtor is an individual in a chapter 13 case, the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or

household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

The Vehicle was purchased by Debtors more than 910 days before the filing of this case. Claim 6. Debtors assert a replacement value of the Vehicle of \$24,000.00 and ask the court for an order valuing the Vehicle at \$24,000.00. Decl. of Debtors, Doc. #22. As the owners, Debtors' opinion of value is evidence of the value of the Vehicle. See Fed. R. Evid. 701. Creditor filed a proof of claim on August 14, 2026, which asserts a value for the Vehicle of \$24,000.00. Claim 6. Moreover, Creditor did not oppose this motion. Given the absence of contrary evidence, Debtors' opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

The motion is GRANTED. Creditor's secured claim will be fixed at \$24,000.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

7. [26-14327](#)-A-13 **IN RE: MANUEL/RISSY MONTOYA**
[AOE-1](#)

MOTION TO EXTEND AUTOMATIC STAY
9-29-2026 [8]

RISSY MONTOYA/MV
ANTHONY EGBASE/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 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. 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 a procedural matter, the certificate of service filed in connection with this motion (Doc. #12) does not comply with LBR 7005-1, which requires attorneys and trustees to use the court's Official Certificate of Service Form. Here, the certificate of service form omits the first page. See Doc. #12. The court encourages counsel for the debtors to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRulesAndGeneralOrders>.

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Manuel A. Montoya and Rissy Y. Montoya (together, "Debtors") move the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B). Doc. #8.

Debtors had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 25-12265 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior Case was filed on July 4, 2025 and dismissed on September 3, 2026. Decl. of Manuel A. Montoya and Rissy Y. Montoya, Doc. #10. 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. Debtors filed this case on September 24, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on October 24, 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 March 13, 2026, for the failure of Debtors to make plan payments and confirm a chapter 13 plan, which was granted. See Case No. 25-12265, Doc. ##94, 180. Debtors acknowledge that the Prior Case was dismissed for their failure to (i) timely pay plan payments and (ii) confirm a chapter 13 plan. Montoya Decl., Doc. #10.

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 a slim household budget without any outside financial support. Montoya Decl., Doc. #10. Debtors state that their monthly income has increased due to the committed contributions from their daughter and son that will afford Debtors the ability to make the proposed plan payments in the current case. Id. Debtors' daughter,

Marlyn Manos, now contributes \$800.00 per month and their son, Peter Montoya, now contributes \$600.00 per month. Id. Further, Debtors believe they will be able to make the proposed plan payments in the current case because they now have enough monthly income. Id. Debtors filed a proposed plan on September 24, 2026. Doc. #3.

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 in this case was filed in good faith. Moreover, the court recognizes that Debtors' increased monthly income represents a substantial change in financial affairs since the dismissal of the Prior Case.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes only as to those parties identified in Debtors' motion (Doc. #8), unless terminated by further order of the court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is necessary.

8. [26-12335](#)-A-13 **IN RE: PATRICK TUTT**
[SMJ-1](#)

MOTION TO SELL
9-28-2026 [[29](#)]

PATRICK TUTT/MV
SCOTT JOHNSON/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order

Local Rule of Practice ("LBR") 9014-1(f)(2) allows a moving party to file and serve a motion on at least 14 days' notice "unless additional notice is required by the Federal Rules of Bankruptcy Procedure." Federal Rule of Bankruptcy Procedure ("Rule") 2002(a)(2) requires at least 21 days' notice by mail to all creditors of the hearing for a motion to sell property of the estate outside of the ordinary course of business.

Notice of this motion was sent by mail on September 28, 2026 with a hearing date set for October 13, 2026, which is 15 days before the hearing. Doc. #30, 33. Because this motion to sell was set for hearing on less than 21 days' notice, this motion is DENIED WITHOUT PREJUDICE for improper notice under Rule 2002(a)(2).

9. [26-12943](#)-A-13 **IN RE: LUCIA SAPIENS**
[EPE-1](#)

MOTION TO CONFIRM PLAN
9-3-2026 [[23](#)]

LUCIA SAPIENS/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

10. [26-12943](#)-A-13 **IN RE: LUCIA SAPIENS**
[EPE-2](#)

MOTION TO VALUE COLLATERAL OF ONEMAIN FINANCIAL GROUP, LLC
9-8-2026 [[31](#)]

LUCIA SAPIENS/MV
ERIC ESCAMILLA/ATTY. FOR DBT.

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.

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. Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has not done here.

Lucia Ruiz Sapiens ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's 2020 Kia Soul ("Vehicle"), which is the collateral of OneMain Financial Group, LLC ("Creditor"), at \$14,725.00. Doc. #31; Decl. of Lucia Ruiz Sapiens, Doc. #34.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 910-day period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code

states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Pursuant to the attachments to Creditor's proof of claim filed on July 16, 2026 the loan secured by the Vehicle was a purchase money security interest, and the Vehicle was purchased on August 5, 2025, which is less than 910 days before this bankruptcy case was filed on June 25, 2026. Doc. #1; Attachment 1 to Claim 2. Federal Rule of Bankruptcy Procedure 3001(f) provides that "[a] proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim."

Debtor's moving papers provide no evidence to support a finding that the Vehicle does not secure a loan that was not a purchase money security interest or that the Vehicle was purchased more than 910 days before this bankruptcy case was filed. The only evidence in the court's record is the proof of claim, which constitutes *prima facie* evidence for showing the date on which the Vehicle was purchased, and that Creditor has a purchase money secured interest in the Vehicle. Because Debtor has not rebutted Creditor's *prima facie* showing in its proof of claim that Creditor's collateral is not subject to valuation pursuant to 11 U.S.C. § 1325(a)(*), this motion is DENIED.

11. [26-14253](#)-A-13 **IN RE: OLGA LLAMAS**
[RSW-1](#)

MOTION TO EXTEND AUTOMATIC STAY
9-28-2026 [8]

OLGA LLAMAS/MV
ROBERT WILLIAMS/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 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. 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.

Olga Ledia Llamas ("Debtor") moves the court for an order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B). Doc. #8.

Debtor had a chapter 13 case pending within the preceding one-year period that was dismissed, Case No. 26-12686 (Bankr. E.D. Cal.) (the "Prior Case"). The Prior

Case was filed on June 8, 2026, and dismissed on August 27, 2026. Decl. of Olga Ledia Llamas, 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 18, 2026. Petition, Doc. #1. The automatic stay will terminate in the present case on October 18, 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 because the Prior Case was dismissed for the failure of Debtor to provide the credit counseling certificate in compliance with 11 U.S.C. § 109(h). A review of the court's docket in the Prior Case disclosed that the chapter 13 trustee ("Trustee") filed a motion to dismiss Debtor's case on July 30, 2026 for the failure of Debtor to provide a credit counseling certificate showing that Debtor obtained credit counseling prior to filing the Prior Case, and the court dismissed the Prior Case upon Trustee's declaration that Debtor failed to provide the required credit counseling certificate. See Case No. 26-12686, Doc. ## 16, 28. Debtor acknowledges that the Prior Case was dismissed for failure to provide the credit counseling certificate. Llamas Decl., Doc. #11.

In support of this motion to extend the automatic stay, Debtor declares she was advised to take a credit counseling class but forgot to take the class. Llamas Decl., Doc. #11. Debtor states her attorney reminded her of the credit counseling class and she attended the class on July 15, 2026, after the Prior Case had been filed. Id. Further, Debtor's attorney inadvertently filed the Prior Case without the required credit counseling certificate. Decl. of Robert S. Williams, Doc. #10. Debtor filed a proposed plan on September 18, 2026. Doc. #3. Debtor's Schedules I and J filed in this case list monthly income of \$4,780.00 and expenses of \$2,080.00, resulting in monthly net income of \$2,700.00 of which

Debtor proposes to apply \$2,685.00 to plan payments in this case. Schedules I and J, Doc. #1.

The court finds that Debtor's reason for failing to participate in credit counseling prior to filing the Prior Case rebuts the presumption of bad faith and that Debtor's petition commencing this case was filed in good faith. Moreover, the court recognizes that Debtor's attorney inadvertently failed to verify Debtor had taken the credit counseling class prior to filing the Prior Case.

Accordingly, the court is inclined to GRANT the motion and extend the automatic stay for all purposes only as to those parties identified in Debtor's motion (Doc. #8), unless terminated by further order of the court. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is necessary.

12. [26-11769](#)-A-13 **IN RE: JAYPEE PACAMALAN**
[LGT-2](#)

MOTION TO DISMISS CASE
9-2-2026 [[25](#)]

LILIAN TSANG/MV
THOMAS MOORE/ATTY. FOR DBT.

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

DISPOSITION: Granted.

ORDER: The court will issue an order.

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

This motion was set for hearing on 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 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 default of the debtor is 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 movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #25. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) file a modified plan with notice to creditors; (2) set a plan for hearing with notice to creditors; and (3) make payments due under the plan. As of September 2, 2026, plan payments are delinquent in the amount of \$14,200.00. While this motion is pending, further payments will come

due. In addition to the delinquency amount, the debtor must also make the monthly plan payment of \$7,100.00 for September 25, 2026. Doc. #25. 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 the debtor that is prejudicial to creditors because the debtor has failed to file and set a modified plan for hearing with notice to creditors and has failed to make all plan payments due.

A review of the debtor's Schedules A/B, C and D shows that there is minimal equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is minimal 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 dismissal, rather than conversion, is in the best interests of creditors and the estate.

Accordingly, the motion is GRANTED. The case is dismissed.

13. [24-10472](#)-A-13 **IN RE: GABRIELLE HUDSON**
[PLG-1](#)

MOTION TO MODIFY PLAN
9-3-2026 [[28](#)]

GABRIELLE HUDSON/MV
RABIN POURNAZARIAN/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)(2). 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. 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.

14. [22-10973](#)-A-13 **IN RE: DANIEL NAKAHIRA**
[PLG-7](#)

MOTION TO VACATE DISMISSAL OF CASE
9-23-2026 [\[136\]](#)

DANIEL NAKAHIRA/MV
RABIN POURNAZARIAN/ATTY. FOR DBT.
DISMISSED 09/18/2026

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 court will issue an 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 a further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This chapter 13 bankruptcy was filed on June 10, 2022 by chapter 13 debtor, Daniel Mitsuo Nakahira ("Debtor"). Doc. #1. On August 6, 2026, the chapter 13 trustee ("Trustee") filed a notice of default and intent to dismiss case for a material default by Debtor with respect to the terms of their confirmed plan ("Notice"). Doc. #126. Specifically, Trustee sought dismissal of Debtor's bankruptcy case because Debtor was delinquent in his plan payments. Id. Pursuant to the Notice, Debtor was required to cure the delinquency in the amount of \$508.00 by September 15, 2026 or take other required actions. Id. Debtor did not respond to the Notice or timely cure the plan payment default. Doc. #132. An order dismissing Debtor's bankruptcy case was entered on September 18, 2026. Order, Doc. #130.

On September 23, 2026, Debtor filed a motion to vacate the dismissal of his bankruptcy case ("Motion to Vacate"). Doc. #136. In the Motion to Vacate, Debtor states the failure to make his plan payments was due to Debtor struggling with his mental health, which caused him to miss days of work and receive lower pay. Decl. of Daniel Nakahira, Doc. #137. Debtor also states his utilities have been higher than usual, which is an additional reason Debtor fell behind with his plan payments. Id. When Debtor received the Notice, Debtor tendered a payment of \$258.00 on August 27, 2026 via TFS BillPay, which was posted on September 3, 2026. Id. On September 11, 2026, Debtor tendered a payment of \$508.00 via TFS BillPay, which was posted three (3) days after the deadline on September 18,

2026. Id. Debtor believed his payment would arrive to Trustee by the September 15, 2026 deadline, but Debtor did not account for the full processing time of the electric payment. Id.

The legal basis for the relief sought in the Motion to Vacate is Federal Rule of Civil Procedure ("Rule") 60(b), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 9024. Rule 60(b) 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), (6). 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.

With respect to the first Pioneer factor, the court finds that there will be prejudice to Debtor if the court does not vacate the dismissal of Debtor's bankruptcy case because Debtor would have to start the bankruptcy process over again. Debtor had only eleven (11) months remaining in his chapter 13 plan when his case was dismissed. Not vacating the dismissal of Debtor's bankruptcy case will prolong Debtor receiving a discharge. This factor favors vacating the dismissal order.

With respect to the second Pioneer factor, the court finds that the delay between dismissal and the Motion to Vacate is minimal. The order dismissing Debtor's case was entered on September 18, 2026, and Debtor's Motion to Vacate was filed on September 23, 2026. This factor favors vacating the dismissal order.

With respect to the third and fourth Pioneer factors, Debtor contends that he received notice of the Notice and attempted to bring his plan payments current but the last payment did not clear before their case was dismissed. Nakahira Decl., Doc. #137. Should the court grant the Motion to Vacate, Debtor has the necessary funds on hand to ensure he is current in plan payments. Id.; Schedules I & J, Doc. #1. These factors also favor vacating the dismissal order.

Accordingly, pending opposition being raised at the hearing, the court will GRANT the Motion to Vacate. The order vacating the dismissal of Debtor's chapter 13 bankruptcy case will be without prejudice to those parties in interest who acted in good faith relying on the dismissal.

CONTINUED MOTION TO DISMISS CASE
7-20-2026 [\[48\]](#)

DAVID CUSICK/MV
STEVEN ALPERT/ATTY. FOR DBT.
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.

On July 20, 2026, the chapter 13 trustee ("Trustee") moved to dismiss the debtors' chapter 13 case under 11 U.S.C. § 1307(c)(6) because the debtors were delinquent in their plan payments. Doc. #48. As of July 20, 2026, the debtors were delinquent in their plan payments in the amount of \$7,574.85. Id.

On August 20, 2026, the debtors filed and served a motion to confirm the debtors' second modified plan and set that motion for hearing on October 13, 2026. Doc. ##55-58. Trustee filed a non-opposition to the court granting the debtors' motion to modify plan and confirmed that the debtors' plan payments are current under the modified plan. Doc. #64. The court has granted that motion to modify plan. See calendar matter #16 below.

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. Because debtors' motion to confirm debtors' second modified plan is granted, it appears that the ground for Trustee's motion to dismiss will be satisfied so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(6).

Accordingly, this motion will be DENIED unless this motion to dismiss is withdrawn prior to the hearing.

16. [24-23086](#)-A-13 **IN RE: CHRISTOPHER/SUSAN ZAFFREE**
[PLG-2](#)

MOTION TO MODIFY PLAN
8-20-2026 [\[55\]](#)

SUSAN ZAFFREE/MV
STEVEN ALPERT/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This 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)(2). The chapter 13 trustee ("Trustee") timely filed non-opposition to this motion. See Non-Opp'n, Doc. #64. 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.

17. [26-13486](#)-A-13 **IN RE: SONIA LARA**
[LGT-1](#)

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

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

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Overruled.

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

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.

The court continued the hearing on this objection to October 13, 2026 to be heard with Debtor's motion to value collateral. The court is granting that motion to value collateral by final ruling. See calendar matter #18 below. Further, Debtor has filed an amended disclosure of compensation. Doc. ##25, 26. It appears that all outstanding issues raised in Trustee's objection to confirmation have been resolved.

Accordingly, unless withdrawn prior to the hearing, this objection to confirmation will be OVERRULED.

18. [26-13486](#)-A-13 **IN RE: SONIA LARA**
[SDS-1](#)

MOTION TO VALUE COLLATERAL OF SUNRUN, INC
9-15-2026 [\[19\]](#)

SONIA LARA/MV
SUSAN SILVEIRA/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

Sonia Isabel Lara ("Debtor"), the debtor in this chapter 13 case, moves the court for an order valuing Debtor's solar panels and equipment (collectively, the "Property"), which is the collateral of SunRun, Inc. ("Creditor"), at \$7,775.00. Doc. #19.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) permits the debtor to value personal property other than a motor vehicle acquired for the personal use of the debtor at its current value, as opposed to the amount due on the loan, if the loan was a purchase money security interest secured by the property and the debt was not incurred within the 1-year period preceding the date of filing. 11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." Section 506(a)(2) of the Bankruptcy Code states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

Debtor asserts the Property was purchased more than one year before the filing of this case and that the loan is a purchase money security interest. Decl. of Sonia Isabel Lara, Doc. #21. Debtor asserts a replacement value of the Property of \$7,775.00 and asks the court for an order valuing the Property at \$7,775.00. Id. Debtor is competent to testify as to the value of the Property. Given the absence of contrary evidence, Debtor's opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

The motion is GRANTED. Creditor's secured claim will be fixed at \$7,775.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

19. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE
4-16-2026 [\[58\]](#)

LILIAN TSANG/MV
TIMOTHY SPRINGER/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 court will issue an order after the hearing.

This motion was originally 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 defaults of the non-responding parties in interest are entered.

By this motion to dismiss filed and served on April 16, 2026, the chapter 13 trustee ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors. Doc. #58. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to file and set a modified plan for hearing with notice to creditors. Id. The debtor's chapter 13 bankruptcy case was filed on November 10, 2025 (Doc. #1), and a review of the docket shows that the debtor has not yet confirmed a chapter 13 plan.

The debtor did not oppose the motion to dismiss in writing but appeared at the original hearing on the motion held on May 21, 2026. At the May 21 hearing, the court continued the matter to be heard with the hearing on the motion to confirm the debtor's amended plan (TCS-4), although there was no certificate of service filed to show that the motion to confirm and supporting documents were properly served. Doc. #71-76. The hearing on this motion was continued again to September 3, 2026, to be heard with the continued hearing to confirm the debtor's third modified plan (TCS-5), which was denied because the debtor had not responded to the trustee's objection to confirmation of the debtor's third modified plan in a manner ordered by the court. Doc. ##103-109, 132. At the September 3 hearing, the court continued the matter to be heard with the hearing on the motion to confirm the debtor's fourth amended plan (TCS-6), although the certificate of service filed did not show that the plan was served with the motion to confirm and supporting documents. Doc. ##103-109. Because an amended certificate of service has not been filed, the court is denying the debtor's motion to confirm plan. See calendar matter # 20 below.

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). Here, there is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors by the debtor's failure to confirm a chapter 13 plan during the eleven months that this chapter 13 case has been pending.

A review of the debtor's Schedules A/B, C and D shows that there is minimal equity in the debtor's assets after considering secured claims and the debtor's claimed exemptions. Doc. #1. Because there is minimal 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 dismissal, rather than conversion, is in the best interests of creditors and the estate.

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

20. [25-13795](#)-A-13 **IN RE: CHRISTOPHER MORRIS**
[TCS-6](#)

MOTION TO CONFIRM PLAN
9-2-2026 [[121](#)]

CHRISTOPHER MORRIS/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The certificate of service that was filed with this motion to confirm does not list the Chapter 13 Plan as a document that was served on interested parties. See Section 4, Doc. #128. Local Rule of Practice ("LBR") 3015-1(d)(1) requires the debtor to serve the plan under consideration with a motion to confirm. The purpose of the rule requiring service of the plan with a motion to confirm is to assure adequate notice of the plan terms upon all interested parties. If the plan is not served with the motion to confirm, notice is not properly accomplished. Therefore, the court denies the motion for improper service under LBR 3015-1(d)(1).

As a further procedural matter, the proposed chapter 13 plan does not provide for any dollar amount for a monthly plan payment and does not specify the term of the Plan. Plan, Doc. #126. A chapter 13 plan must state a specific dollar amount for monthly plan payments in section 2.01 of the plan or provide such other information in section 7 of the plan so the chapter 13 trustee, creditors and the court know how much money Debtor will be paying each month on account of the proposed plan. Likewise, a plan must specify the number of months the monthly plan payments will be paid in section 2.03 of the plan before the proposed plan can be confirmed.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service and the failure of the plan to state a monthly plan payment and plan term.

21. [26-13399](#)-A-13 **IN RE: AMANDA KONG**
[LGT-2](#)

MOTION TO DISMISS CASE
9-11-2026 [[40](#)]

LILIAN TSANG/MV
DISMISSED 9/24/26

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 24, 2026. Doc. #46. Therefore, this motion will be DENIED AS MOOT.

22. [23-10001](#)-A-13 **IN RE: BRIAN/NADINE CANALES**
[TCS-8](#)

MOTION TO VACATE DISMISSAL OF CASE
10-1-2026 [\[122\]](#)

NADINE CANALES/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
DISMISSED 09/18/2026; OST 10/1/26

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 court will issue an order after the hearing.

On October 1, 2026, the court granted the debtors' ex parte motion for order shortening time to hear the debtors' motion to vacate dismissal. Order, Doc. #121. This motion was set for hearing on October 13, 2026 at 2:00 p.m. pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

This chapter 13 bankruptcy was filed on January 1, 2023 by chapter 13 debtors Brian Patrick Canales and Nadine Lolita Canales (together, "Debtors"). Doc. #1. On August 6, 2026, the chapter 13 trustee ("Trustee") filed a notice of default and intent to dismiss case for a material default by Debtors with respect to the terms of their confirmed plan ("Notice"). Doc. #105. Specifically, Trustee sought dismissal of Debtors' bankruptcy case because Debtors were delinquent in their plan payments. Id. Pursuant to the Notice, Debtors were required to cure the delinquency in the amount of \$2,500.00 by September 15, 2026 or take other required actions. Id. Debtors did not respond to the Notice or timely cure the plan payment default. An order dismissing Debtors' bankruptcy case was entered on September 18, 2026. Order, Doc. #117.

On October 1, 2026, Debtors filed a motion to vacate the dismissal of their bankruptcy case ("Motion to Vacate"). Doc. #122. In the Motion to Vacate, Debtors state their failure to make their plan payments timely was due to Debtors' confusion as to how their case was proceeding. Doc. #122; Decl. of Nancy Klepac, Doc. #124. On May 12, 2026, Debtors filed a modified plan and Debtors mistakenly believed they were no longer required to make plan payments after the motion to modify was granted. Id. On August 8, 2026, Debtors contacted their attorney after receiving the Notice and were notified that because they failed to continue making plan payments, Debtors were now delinquent. Id. Debtors tried to get current and simultaneously filed another motion to modify to cure the plan payment delinquency. Id. However, Debtors' counsel admits that she failed to

filed Debtors' modified plan timely due to various delays in her office such as Debtors' counsel dealing with other motions and the misplacement of Debtors' modified plan. Id.

The legal basis for the relief sought in the Motion to Vacate is Federal Rule of Civil Procedure ("Rule") 60(b), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 9024. Rule 60(b) 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), (6). 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.

With respect to the first Pioneer factor, the court finds that there will be prejudice to Debtors if the court does not vacate the dismissal of Debtors' bankruptcy case because Debtors would have to start the bankruptcy process over again. Debtors were in bankruptcy for forty-four (44) months when their case was dismissed. Not vacating the dismissal of Debtors' bankruptcy case will prolong Debtors receiving a discharge. This factor favors vacating the dismissal order.

With respect to the second Pioneer factor, the court finds that the delay between dismissal and the Motion to Vacate is minimal. The order dismissing Debtors' case was entered on September 18, 2026, and Debtors' Motion to Vacate was filed on October 1, 2026. This factor favors vacating the dismissal order.

With respect to the third and fourth Pioneer factors, Debtors intended to bring their payments current along with filing a motion to modify plan when they received the Notice but were unable to rectify their delinquent plan payments and confirm their modified plan before their case was dismissed. Klepac Decl., Doc. #124. Debtors' attorney takes full responsibility for failing to file Debtors' modified plan timely. Id. It appears that if the court grants the Motion to Vacate, Debtors have the necessary funds on hand to ensure they are current in plan payments because they have a monthly net income in the amount of \$1,290.50 with proposed plan payments in the amount of \$1,250.00. Am. Schedules I and J, Doc. #60; Plan, Doc. #111. These factors also favor vacating the dismissal order.

Accordingly, pending opposition being raised at the hearing, the court will GRANT the Motion to Vacate. The order vacating the dismissal of Debtors' chapter 13 bankruptcy case will be without prejudice to those parties in interest who acted in good faith relying on the dismissal.

3:00 PM

1. [24-12115](#)-A-7 **IN RE: MICHAEL/TATUM SCOTT**
[24-1042](#) [FW-5](#)

MOTION FOR ATTORNEY'S FEES
9-4-2026 [[140](#)]

NOLEN V. SCOTT
PETER SAUER/ATTY. FOR MV.

NO RULING.