



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: OCTOBER 16, 2023
CALENDAR: 1:00 P.M. DISGORGEMENT CALENDAR

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be heard simultaneously: (1) **IN PERSON** in Courtroom 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered.

Parties in interest and members of the public may connect to the ZoomGov video and audio feeds, free of charge, using the connection information provided:

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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. Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
3. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

Please join at least 10 minutes prior to the start of the calendar. You are required to give the court 24 hours advance notice on the [Court Calendar](#).

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.

PRE-HEARING DISPOSITION INSTRUCTIONS

RULINGS

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

"No Ruling" means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

"Tentative Ruling" means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

"Final Ruling" means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [23-10703](#)-A-13 **IN RE: CESAR BANDA AND SILVIA PENA**
[FEC-1](#)

CONTINUED ORDER TO SHOW CAUSE
6-14-2023 [[79](#)]

ZISHAN LOKHANDWALA/ATTY. FOR DBT.
CASE CLOSED: 07/11/2023

No Ruling

2. [23-10703](#)-A-13 **IN RE: CESAR BANDA AND SILVIA PENA**
[FEC-2](#)

SECOND ORDER TO SHOW CAUSE
8-18-2023 [[90](#)]

ZISHAN LOKHANDWALA/ATTY. FOR DBT.
CASE CLOSED: 07/11/2023

No Ruling

3. [23-11610](#)-A-13 **IN RE: ELTON VASQUEZ**
[FEC-1](#)

ORDER TO SHOW CAUSE
8-30-2023 [[21](#)]

JOSHUA STERNBERG/ATTY. FOR DBT.
DEBTOR DISMISSED: 08/07/2023; RESPONSIVE PLEADING

Final Ruling

The issue has been resolved. The order to show cause is dropped and no appearance is necessary. A civil minute order shall issue.

4. [23-21112](#)-A-13 **IN RE: JANET ROBERTS**
[FEC-1](#)

ORDER TO SHOW CAUSE
8-30-2023 [[43](#)]

BRIAN COGGINS/ATTY. FOR DBT.
DEBTOR DISMISSED: 08/29/23; RESPONSIVE PLEADING

No Ruling

5. [23-22920](#)-A-13 **IN RE: MARK JOHNSON**

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
9-6-2023 [[15](#)]

ERIC SCHWAB/ATTY. FOR DBT.

Final Ruling

The disclosure of compensation statement has been filed, ECF No. 20.
The order to show cause is discharged without further action. A
civil minute order shall issue.

6. [23-21934](#)-A-7 **IN RE: SERAFINE SIMIEN**
[FEC-1](#)

CONTINUED ORDER TO SHOW CAUSE
7-10-2023 [[17](#)]

CHINONYE UGORJI/ATTY. FOR DBT.
DEBTOR DISMISSED: 07/06/2023; RESPONSIVE PLEADING

Final Ruling

The disclosure of compensation statement has been filed, ECF No. 24.
The order to show cause is discharged without further action. A
civil minute order shall issue.

7. [23-21934](#)-A-7 **IN RE: SERAFINE SIMIEN**
[FEC-2](#)

SECOND ORDER TO SHOW CAUSE
8-18-2023 [[19](#)]

CHINONYE UGORJI/ATTY. FOR DBT.
DEBTOR DISMISSED: 07/06/23

Final Ruling

The disclosure of compensation statement has been filed, ECF No. 24.
The order to show cause is discharged without further action. A
civil minute order shall issue.

8. [23-21949](#)-A-13 **IN RE: ALLISON JOHNSON**
[FEC-1](#)

CONTINUED ORDER TO SHOW CAUSE
7-17-2023 [[25](#)]

REUBEN NOCOS/ATTY. FOR DBT.
DEBTOR DISMISSED: 07/13/2023

No Ruling

9. [23-21949](#)-A-13 **IN RE: ALLISON JOHNSON**
[FEC-2](#)

SECOND ORDER TO SHOW CAUSE
8-18-2023 [[32](#)]

REUBEN NOCOS/ATTY. FOR DBT.
DEBTOR DISMISSED: 07/13/23

No Ruling

10. [23-22970](#)-A-7 **IN RE: DANIEL PUENTES**

ORDER TO SHOW CAUSE - FAILURE TO FILE DOCUMENTS RE:
DISCLOSURE OF ATTORNEY COMPENSATION
9-7-2023 [\[11\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

Final Ruling

The disclosure of compensation statement has been filed, ECF No. 14.
The order to show cause is discharged without further action. A
civil minute order shall issue.

11. [23-11182](#)-A-7 **IN RE: MARIA FONSECA**
[FEC-1](#)

CONTINUED ORDER TO SHOW CAUSE
6-23-2023 [\[18\]](#)

PHILLIP GILLET/ATTY. FOR DBT.
DEBTOR DISMISSED: 06/20/2023

Final Ruling

By Court Order, ECF No. 27, the order to show cause is discharged
and the hearing on this matter is vacated.

12. [23-11182](#)-A-7 **IN RE: MARIA FONSECA**
[FEC-2](#)

ORDER TO SHOW CAUSE
8-30-2023 [\[24\]](#)

PHILLIP GILLET/ATTY. FOR DBT.
DEBTOR DISMISSED: 06/20/2023

Final Ruling

By Court Order, ECF No. 27, the order to show cause is discharged
and the hearing on this matter is vacated.

13. [23-11182](#)-A-7 **IN RE: MARIA FONSECA**
[FEC-3](#)

ORDER TO SHOW CAUSE REGARDING DISGORGEMENT OF FEES
9-11-2023 [\[29\]](#)

PHILLIP GILLET/ATTY. FOR DBT.
DEBTOR DISMISSED: 06/20/2023; RESPONSIVE PLEADING

Final Ruling

The order to show cause is discharged without further action. The retainer, i.e., \$10,000, is higher than might be expected, but the respondent has documented not less than 40.7 hours expended by himself or his paraprofessional. The applicant is an experienced attorney, whose hourly rate is \$400 per hour; his paraprofessional was billed at \$125 per hour. Extensive pre-petition due diligence work was undertaken. The court is satisfied that the fee is commensurate with the services rendered. 11 U.S.C. § 329(b). A civil minute order shall issue.