



**UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable Jennifer E. Niemann  
Hearing Date: Thursday, October 19, 2023  
Department A – Courtroom #11  
Fresno, California**

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## INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

**THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

1. [23-11311](#)-A-13     **IN RE: IAN/MICHELLE MURDOCK**  
[MHM-2](#)

MOTION TO DISMISS CASE  
9-13-2023    [\[26\]](#)

RABIN POURNAZARIAN/ATTY. FOR DBT.

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

DISPOSITION:     Granted.

ORDER:             The court will issue the 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Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.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 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. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires 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 for unreasonable delay by the debtors that is prejudicial to creditors (11 U.S.C. § 1307(c)(1)) and because the debtors have failed to make all payments due under the plan (11 U.S.C. § 1307(c)(4)). The debtors are delinquent in the amount of \$1,780.00. Doc. #28. Before this hearing, another payment in the amount of \$890.00 will also come due. Id. The debtors 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 debtors that is prejudicial to creditors and 11 U.S.C. § 1307(c)(4) for failing to timely make payments due under the plan.

A review of the debtors' Schedules A/B, C and D shows that the debtors' significant assets, one vehicle and real property, are over encumbered, and the debtors claim exemptions in the remaining assets. Because there is no equity to be realized for the benefit of the estate, dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

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

2. [23-11411](#)-A-13     **IN RE: JASON/DANIELLE PETERSON**  
[SL-1](#)

MOTION TO CONFIRM PLAN  
9-1-2023    [\[21\]](#)

DANIELLE PETERSON/MV  
SCOTT LYONS/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 as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. 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.

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.

3. [23-11013](#)-A-13     **IN RE: JOASH KEMEI**  
[PLG-2](#)

MOTION TO CONFIRM PLAN  
9-7-2023    [\[32\]](#)

JOASH KEMEI/MV  
RABIN POURNAZARIAN/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:     Continued to November 16, 2023, at 9:30 a.m.

ORDER:             The court will issue an order.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee ("Trustee") filed an objection to the debtor's motion to modify the chapter 13 plan. Tr.'s

Opp'n, Doc. #40. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's opposition to confirmation is withdrawn, the debtor shall file and serve a written response no later than November 2, 2023. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the debtor's position. Trustee shall file and serve a reply, if any, by November 9, 2023.

If the debtor elects to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than November 9, 2023. If the debtor does not timely file a modified plan or a written response, this motion will be denied on the grounds stated in Trustee's opposition without a further hearing.

4. [17-14414](#)-A-13     **IN RE: ISAAC/TERESA NARANJO**  
[MHM-4](#)

OBJECTION TO DISCHARGE BY MICHAEL H. MEYER  
9-12-2023     [\[104\]](#)

THOMAS GILLIS/ATTY. FOR DBT.  
WITHDRAWN

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

DISPOSITION:                Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on October 5, 2023. Doc. #109.

5. [19-10615](#)-A-13     **IN RE: SERGIO/JUANA RIOS**  
[PBB-1](#)

CONTINUED MOTION TO MODIFY PLAN  
8-10-2023     [\[44\]](#)

JUANA RIOS/MV  
PETER BUNTING/ATTY. FOR DBT.  
RESPONSIVE PLEADING WITHDRAWN,

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 as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee ("Trustee") timely opposed this motion but withdrew his opposition in consideration of the debtors' payment history, which reflects that Trustee received a payment of \$1,450.00 on September 11, 2023, which is enough to cure the \$1,313.76 deficiency originally asserted by Trustee. Doc. ##57, 61. 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.

6. [23-11520](#)-A-13      **IN RE: THEDFORD JONES**  
[FW-2](#)

OBJECTION TO CLAIM OF DENISE BALESTIER, CLAIM NUMBER 1  
8-21-2023    [\[40\]](#)

THEDFORD JONES/MV  
GABRIEL WADDELL/ATTY. FOR DBT.  
RESPONSIVE PLEADING

TENTATIVE RULING:            This matter will proceed as scheduled.

DISPOSITION:                Set discovery schedule.

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 objection to proof of claim was set for hearing on at least 44 days' notice as required by Local Rule of Practice ("LBR") 3007-1(b)(1). Denise Balestier ("Claimant") filed timely written opposition on October 4, 2023. Opp'n, Doc. #81. Thedford Lewis Jones ("Debtor"), the chapter 13 debtor in this bankruptcy case, filed a reply to the opposition on October 12, 2023. Reply, Doc. #85. This matter will proceed as scheduled.

#### **EVIDENTIARY OBJECTIONS**

As an initial matter, Debtor filed evidentiary objections to Claimant's Exhibits C and D filed in opposition to Debtor's objection. Doc. #86. Debtor objects to both exhibits on relevancy and hearsay grounds. Id.

With respect to Claimant's Exhibit C, an Income and Expense Declaration filed on July 8, 2010, in Los Angeles County Superior Court in Case No. LD-048-150, Debtor objects to this exhibit *in toto* on the grounds that the exhibit is irrelevant. Doc. #86. According to Debtor, Debtor's objection to Claimant's claim involves the intent of the parties when the Marital Settlement Agreement was entered into in June 2009. Id. Claimant's Exhibit C is an income and expense declaration of Claimant dated July 7, 2010, which is a year after the Marital Settlement Agreement was entered into. Therefore, Claimant's Exhibit C is not relevant to the objection to Claimant's claim and is inadmissible under Federal Rule of Evidence ("FRE") 402. Id.

FRE 402 states that irrelevant evidence is not admissible, and FRE 401 sets forth the test for relevance. FRE 401 states that:

Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

Fed. R. Evid. 401. Substantive law determines which facts are of consequence in a given action. Telum, Inc. v. E.F. Hutton Credit Corp., 859 F.2d 835, 838 (10th Cir. 1988). The court will sustain this evidentiary objection because Claimant's financial position a year after the Marital Settlement Agreement was entered into is not relevant for determining the parties' intent when the Marital Settlement Agreement was entered into, which is the only relevant time period the court needs to analyze with respect to this claim objection. Thus, Exhibit C is irrelevant and is inadmissible.

Assuming the court determines that Exhibit C is relevant for some purpose, Debtor also objects to the exhibit on hearsay grounds. Fed. R. Evid. 801, 802, 803. The court has reviewed Exhibit C and agrees that Exhibit C should be excluded under FRE 802 because no exception provided in FRE 803 applies to the relevant testimony.

Debtor objects to Claimant's Exhibit D, CH-100 Request for Civil Harassment Restraining Order, *in toto* on the grounds that the exhibit is irrelevant. Doc. #86. According to Debtor, Debtor's objection to Claimant's claim involves the intent of the parties when the Marital Settlement Agreement was entered into in June 2009. Id. Claimant's Exhibit D, which show that Debtor's financial situation has significantly improved as of 2022 and 2023 and to demonstrate that Debtor lives in a "luxury home", is not relevant and is inadmissible under FRE 402. Id.

The court will sustain this evidentiary objection because Claimant's financial position several years the Marital Settlement Agreement was entered into is not relevant for determining the parties' intent when the Marital Settlement Agreement was entered into, which is the only relevant time period the court needs to analyze with respect to this claim objection. Thus, Exhibit D is irrelevant and is inadmissible.

Assuming the court determines that Exhibit D is relevant for some purpose, Debtor objects to the exhibit on hearsay grounds. Fed. R. Evid. 801, 802, 803. The court has reviewed Exhibit D and agrees that Exhibit D should be excluded under FRE 802 because no exception provided in FRE 803 applies to the relevant testimony.

## **OBJECTION TO CLAIM**

Debtor objects to claim no. 1 (the "Claim") filed by Claimant on the grounds that the Claim is a general unsecured claim and not a priority claim as set forth in the Claim. Debtor's Obj., Doc. #40. The Claim was filed on July 18, 2023 and asserts a priority unsecured claim of \$405,090.68 as a domestic support obligation under either 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). Claim 1. Debtor asserts that the Marital Settlement Agreement that forms the basis for the Claim specifically states that the amount upon which the Claim is based is an equalization payment and is not a domestic support obligation, so the Claim must be treated as a general unsecured claim and not as a priority claim. Debtor's Obj., Doc. #40.

After reviewing the Claim, Debtor's objection, Claimant's opposition, and Debtor's reply, the court concludes that an evidentiary hearing is needed to resolve Debtor's objection to the Claim.

#### **A. Applicable Law**

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." 11 U.S.C. § 502(a) states that a claim or interest, evidenced by a proof of claim filed under § 501, is deemed allowed unless a party in interest objects. The party objecting to a presumptively valid claim has the burden of presenting evidence to overcome the prima facie showing made by the proof of claim. In re Medina, 205 B.R. 216, 222 (B.A.P. 9th Cir. 1996). The objecting party must provide "sufficient evidence and 'show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves.'" Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (quoting In re Holm, 931 F.2d 620, 623 (9th Cir. 1991)). "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." Id. (quoting Ashford v. Consol. Pioneer. Mortg. (In re Consol. Pioneer Mortg.), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995)).

"In determining whether an obligation is a [domestic support obligation] entitled to priority under § 507(a), the court looks to the interpretation of [domestic support obligation] discussed in cases relating to the dischargeability of support under former § 523(a)(5)." In re Nelson, 451 B.R. 918, 921 (Bankr. D. Ore. 2011) (emphasis in original) (citations omitted).

Per In re Sternberg, 85 F.3d 1400 (9th Cir. 1996), rev'd on other grounds, In re Bammer, 131 F.3d 788 (9th Cir. 1997), whether an obligation is in the nature of support, and thus qualifies as support under bankruptcy law, is a question of federal law. Sternberg, 85 F.3d at 1405. In determining whether an obligation is in the nature of a domestic support obligation, "the court must look beyond the language of the decree to the intent of the parties and to the substance of the obligation." Shaver v. Shaver, 736 F.2d 1314, 1316 (9th Cir. 1984).

As explained by the Nelson court, under Ninth Circuit authority:

When the obligation is created by a stipulated dissolution judgment, "the intent of the parties at the time the settlement agreement is executed is dispositive." Sternberg, 85 F.3d at 1405. Factors to be considered in determining the intent of the parties include "whether the recipient spouse actually needed spousal support at the time of the divorce[,] " which requires looking at whether there was an "imbalance in the relative income of the parties" at the time of the divorce. Id. Other considerations are whether the obligation terminates on the death or remarriage of the recipient spouse, and whether payments are made directly to the spouse in installments over a substantial period of time. Id.; Shaver, 736 F.2d at 1316-1317. The labels the parties used for the payments may also provide evidence of the parties' intent. Sternberg, 85 F.3d at 1405.

Nelson, 451 B.R. at 921-22.



## **B. Legal Analysis**

Debtor contends that the Marital Settlement Agreement unambiguously shows that the equalization payment ("Marital Equalization Payment") that underlies the Claim is based on the value of the marital assets and is not in the nature of support. Debtor's Obj., Doc. #40. Further, the Marital Settlement Agreement specifically considers and awards both spousal support and child support before separately determining the Marital Equalization Payment solely on the basis of marital assets and property division, and without an account of the needs of the parties. Id.

Claimant contends that the amounts stated as the Marital Equalization Payment in the Marital Settlement Agreement between Debtor and Claimant are in the nature of spousal support because the Marital Equalization Payment was to be paid in installments to provide monthly support to Claimant to further bridge the income gap resulting from the business income Claimant would no longer receive as Claimant was no longer a partner in the community business named The IB Network, Inc. (the "Business"). Opp'n, Doc. #81. Claimant argues that Claimant and Debtor built the Business together and that income from the Business supported the family until the parties separated, after which time the Business continued to support Debtor only, leaving Claimant to receive support from the Marital Equalization Payment. Id.

Based on the labels the parties used in the Marital Settlement Agreement for payments, there is strong evidence of the intent of the parties at the time the parties entered into the Marital Settlement Agreement was that the Marital Equalization Payment that forms the grounds for Claimant's assertion of a priority claim is an equalization payment and not a domestic support obligation. First, Claimant was to receive spousal support in a lump sum in addition to the Marital Equalization Payment. Ex. A, Doc. 82. Second, it seems that the Marital Settlement Agreement awarded the Marital Equalization Payment on the basis of marital assets. Id. Based on a review of the Marital Settlement Agreement, it appears that the Marital Equalization Payment was to be made in installments as a result of the nature of the asset, which required Debtor to make payments to Claimant for Claimant's future earnings from the Business until the balance of \$163,250.00 was paid in full and, upon final payment, Claimant was to release all her shares in the Business. Third, Claimant's receipt of the Marital Equalization Payment is not conditioned on Claimant remaining alive during the payment period.

However, Claimant alleges that the Marital Equalization Payment was intended to bridge the income gap between Claimant and Debtor based on the transfer of the Business to Debtor, which Debtor disputes. The court cannot determine at this time that the Marital Equalization Payment, which forms the basis for the Claim, is an equalization payment rather than a domestic support obligation without also considering evidence of Claimant's relative income at the time of the divorce, which has not been provided to the court.

Accordingly, it appears that an evidentiary hearing is needed to resolve this objection to the Claim. The parties should come to the hearing with proposed deadlines for Federal Rule of Civil Procedure 26(a)(1)(A) initial disclosures and close of fact discovery, a recommendation as to whether experts are needed and, if so, deadlines for designation of experts and rebuttal experts as well as submission of expert and rebuttal expert reports, and a deadline for the close of expert discovery.

7. [23-11524](#)-A-13     **IN RE: MARIA LOPEZ**  
[JBC-2](#)

MOTION TO CONFIRM PLAN  
9-11-2023    [\[36\]](#)

MARIA LOPEZ/MV  
JAMES CANALEZ/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

8. [23-11824](#)-A-13     **IN RE: DARIN/YVETTE CIOTTI**  
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
9-20-2023    [\[20\]](#)

KEVIN TANG/ATTY. FOR DBT.

NO RULING.

9. [23-10626](#)-A-13     **IN RE: DEREK WHITFIELD**  
[MHM-1](#)

MOTION TO DISMISS CASE  
9-12-2023    [\[21\]](#)

SCOTT LYONS/ATTY. FOR DBT.

NO RULING.

10. [23-11733](#)-A-13     **IN RE: GORDON/LESLIE SMITH**  
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS  
9-1-2023    [\[30\]](#)

MICHAEL MEYER/MV

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

DISPOSITION:     Overruled as moot.

ORDER:             The court will issue an order.

This objection is OVERRULED AS MOOT. The debtors filed an amended Schedule C on September 18, 2023, amending the claimed exemption in the homestead.

11. [23-11733](#)-A-13     **IN RE: GORDON/LESLIE SMITH**  
[MHM-2](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
10-4-2023    [[35](#)]

NO RULING.

12. [23-11539](#)-A-13     **IN RE: MARSHA MENDOZA**  
[MHM-2](#)

MOTION TO DISMISS CASE  
9-8-2023    [[26](#)]

MICHAEL MEYER/MV  
RESPONSIVE PLEADING

NO RULING.

13. [23-10947](#)-A-13     **IN RE: SONIA LOPEZ**  
[SDS-1](#)

MOTION TO CONFIRM PLAN  
8-29-2023    [[45](#)]

SONIA LOPEZ/MV  
SUSAN SILVEIRA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

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

DISPOSITION:        Overruled as moot.

ORDER:                The court will issue an order.

This objection is OVERRULED AS MOOT. The debtor filed a modified plan on September 21, 2023 (SDS-2, Doc. #60), with a motion to confirm the modified plan set for hearing on October 26, 2023 at 9:30 a.m. Doc. ##57-61.

14. [23-12054](#)-A-13     **IN RE: EVA AMARAL**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
9-29-2023    [[12](#)]

DISMISSED 10/3/23

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

DISPOSITION:        Dropped as moot.

NO ORDER REQUIRED.

An order dismissing the case was entered on October 3, 2023, Doc. #14. The order to show cause will be dropped as moot. No appearance is necessary.

15. [23-11357](#)-A-13     **IN RE: MARGARET WILSON**  
[MHM-2](#)

MOTION TO DISMISS CASE  
9-13-2023    [\[42\]](#)

MICHAEL MEYER/MV  
HENRY NUNEZ/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 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. 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 Systems, 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 ("Trustee") asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by the debtor that is prejudicial to creditors. Doc. #42. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) file and serve a modified plan; and (3) provide Trustee with any requested documents. Doc. #42. 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 failed to appear at the scheduled 341 meeting of creditors and failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4).

A review of the debtor's Schedules A/B, C and D shows that the debtor has no claimed exemptions in all her assets to the extent not encumbered. Because there is no equity to be realized for the benefit of the estate and because the

debtor has failed to appear at the meeting of creditors, dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

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

16. [23-11357](#)-A-13     **IN RE: MARGARET WILSON**  
[WEW-2](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
9-1-2023    [\[31\]](#)

JOHN GRUE/MV  
HENRY NUNEZ/ATTY. FOR DBT.  
WILLIAM WINFIELD/ATTY. FOR MV.

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

DISPOSITION:     Denied as moot.

ORDER:             The court will issue an order.

The court is granting the trustee's Motion to Dismiss [MHM-2] above, therefore this Motion for Relief from Automatic Stay [WEW-2] will be DENIED AS MOOT.

17. [19-13963](#)-A-13     **IN RE: RAUL FLORES AND MA CARMEN VASQUEZ DE FLORES**  
[BDB-1](#)

MOTION TO WAIVE FINANCIAL MANAGEMENT COURSE REQUIREMENT, WAIVE SECTION 1328  
CERTIFICATE REQUIREMENT, CONTINUE CASE ADMINISTRATION, SUBSTITUTE PARTY,  
AS TO DEBTOR  
9-18-2023    [\[29\]](#)

MA CARMEN VASQUEZ DE FLORES/MV  
BENNY BARCO/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 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. 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.

Ma Carmen Vasquez De Flores ("Movant"), the surviving spouse of Raul Flores ("Debtor") and joint debtor in this chapter 13 case, requests the court name Movant as the successor to the deceased Debtor, permit the continued administration of this chapter 13 case and waive the § 1328 certification requirements. Doc. #29.

Upon the death of a debtor in chapter 13, Federal Rule of Bankruptcy Procedure 1016 provides that the case may be dismissed or may proceed and be concluded in the same manner, so far as possible, as though the death had not occurred upon a showing that further administration is possible and in the best interest of the parties. Debtor died on July 21, 2023. Decl. of Ma Carmen Vasquez De Flores, Doc. #31. Movant has filed an amended Schedule I and J to show Movant is able to afford the plan payments from social security benefits and states she also will receive support contributions from her son. Am. Schedules I & J, Doc. #28; Flores Decl., Doc. #31. Appointing Movant to be representative to proceed with case administration is in the best interest of the parties and creditors. No objections have been filed in response to this motion.

With respect to a waiver of Debtor's certification requirements for entry of discharge under 11 U.S.C. § 1328, Debtor failed to meet the post-petition financial education requirements before Debtor died. Flores Decl., Doc. #31. Debtor's death demonstrates an inability to provide certifications required, and the certification requirements will be waived.

Accordingly, Movant's application to be appointed representative of Debtor's estate for the further administration of this bankruptcy case is GRANTED. Movant's motion to waive Debtor's § 1328 certification requirements is GRANTED.

18. [23-11263](#)-A-13     **IN RE: ROBERT/ANNA MCKINNEY**  
[JRL-1](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH  
ANNA MARIE MCKINNEY  
9-5-2023    [\[38\]](#)

SAM SALHAB/MV  
PETER BUNTING/ATTY. FOR DBT.  
JERRY LOWE/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 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. 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.

Sam Salhab ("Creditor"), the state court attorney for joint debtor Anna Marie McKinny ("Joint Debtor"), moves the court for an order pursuant to Federal Rule of Bankruptcy Procedure 9019 approving a settlement of a pre-petition personal injury claim Joint Debtor has against Chipotle Mexican Grill and River Park Plaza LP for \$25,000.00. Doc. #38.

On June 12, 2021, Joint Debtor suffered injuries from a slip and fall incident at Chipotle Mexican Grill in Fresno, CA. Decl. of Sam Salhab, Doc. #40. As a result of the accident, Joint Debtor received medical treatment throughout the litigation process and incurred \$3,561.13 in medical bills. Salhab Decl., Doc. #40. Early settlement efforts failed, and Creditor filed a complaint on behalf of Joint Debtor in the Superior Court of California, County of Fresno having the case number 21CECG02860. Id. As part of a pre-petition legal services contract between Joint Debtor and Creditor, Joint Debtor gave Creditor a voluntary lien against any settlement proceeds for costs and services provided to represent her in prosecuting her personal injury claim against Chipotle Mexican Grill and River Park Plaza LP. Id. Creditor incurred \$13,640.37 in hard costs prosecuting the litigation, including filing fees, expert witness fees, and mediation fees. Id. Because of liability issues realized during the discovery process, Chipotle Mexican Grill and River Park Plaza LP offered Joint Debtor a settlement in the gross amount of \$25,000.00. Id. Based on the agreement between Joint Debtor and Creditor, Creditor will be paid \$13,640.37 for litigation expenses and \$7,791.50 (a reduction of \$708.50 in fees) for attorney's fees, a total of \$21,437.87, with the balance of \$3,562.13 to be paid to medical providers. Id.

On a motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Fed. R. Bankr. P. 9019. Approval of a compromise must be based upon considerations of fairness and equity. Martin v. Kane (In re A & C Props.), 784 F.2d 1377, 1381 (9th Cir. 1986). The court must consider and balance four factors: (1) the probability of success in the litigation; (2) the difficulties, if any, to be encountered in the matter of collection; (3) the complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and (4) the paramount interest of the creditors with a proper deference to their reasonable views. Woodson v. Fireman's Fund Ins. Co. (In re Woodson), 839 F.2d 610, 620 (9th Cir. 1988).

It appears from the moving papers that Joint Debtor has considered the standards of A & C Properties and Woodson. Doc. #38. The proposed settlement allows for a payment of \$21,437.87 to Creditor, with the balance of \$3,562.13 to go to medical providers. Joint Debtor will not receive any proceeds from the settlement. The settlement is fair, reasonable, and obtains an economically advantageous result. The court concludes that the A & C Properties factors balance in favor of approving the compromise, and the compromise is in the best interest of the creditors and the estate.

Accordingly, it appears that the compromise pursuant to Federal Rule of Bankruptcy Procedure 9019 is reasonable. The court may give weight to the opinions of the trustee, the parties, and their attorneys. In re Blair,

538 F.2d 849, 851 (9th Cir. 1976). No opposition has been filed. Furthermore, the law favors compromise and not litigation for its own sake. Id.

Accordingly, the motion is GRANTED, and the settlement between Joint-Debtor and Chipotle Mexican Grill and River Park Plaza LP is approved. Creditor is authorized, but not required, to execute any and all documents necessary to satisfy the terms of the proposed settlement.

19. [23-11678](#)-A-13     **IN RE: TRAVIS BRIDGMAN**  
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER  
9-8-2023    [[14](#)]

SCOTT LYONS/ATTY. FOR DBT.

NO RULING.

20. [23-10482](#)-A-13     **IN RE: REYNALDO/BEATRIZ RODRIGUEZ**  
[SL-2](#)

MOTION TO MODIFY PLAN  
9-12-2023    [[53](#)]

BEATRIZ RODRIGUEZ/MV  
SCOTT LYONS/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.

This motion was set for hearing on at least 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(2). The chapter 13 trustee ("Trustee") filed an objection to the debtors' motion to confirm the first modified chapter 13 plan. Tr.'s Opp'n, Doc. #63. The debtors filed a reply to Trustee's opposition to confirmation of plan. Doc. ##67, 69. 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. This matter will proceed as scheduled.

Reynaldo Rodriguez and Beatriz Rodriguez (together, "Debtors") filed their first Amended Chapter 13 Plan (the "Plan") on September 12, 2023. Doc. #57. Trustee objects to confirmation of the Plan because the Plan fails to provide for submission of all or such portion of future earnings or other future income to the supervision and control of Trustee as is necessary for execution of the plan pursuant to 11 U.S.C. §1322(a). Tr.'s Opp'n, Doc. #63.



The Plan provides for a plan payment of \$2,850.00 for 60 months. Plan, Doc. #57. Trustee contends the Plan payment is insufficient to pay the monthly dividends, is short \$29.65 per month effective month 6, and needs to increase to \$2,880.00 per month commencing in month 6. Tr.'s Opp'n, Doc. #63. Debtors replied that their amended Schedules I and J filed on October 2, 2023, demonstrate that they have a disposable monthly income of \$2,868.71. Doc. #67. Despite this, Debtors agree to the increased plan payment of \$2,880.00 beginning month 6 and argue that the difference between the plan payment of \$2,880.00 and their monthly income \$2,868.71 is de minimis to the court. Id.

However, Debtors' amended Schedules I and J filed on October 2, 2023 do not show that Debtors have sufficient monthly income to increase their plan payments to \$2,880.00 beginning month 6. Doc. #65. Section 1325(a)(6) of the Bankruptcy Code requires that the debtor be able to make all payments under the plan and comply with the plan in order for the court to confirm a plan. 11 U.S.C. § 1325(a)(6). The party moving to confirm the chapter 13 plan bears the burden of proof to show facts supporting the proposed plan. Max Recovery v. Than (In re Than), 215 B.R. 430, 434 (B.A.P. 9th Cir. 1997).

Here, because Debtors' amended Schedules I and J filed on October 2, 2023 do not show that Debtors have sufficient monthly income to increase their plan payments to \$2,880.00 beginning in month 6, Debtors have not met their burden of proof to show that the Plan is feasible as required by 11 U.S.C. § 1325(a)(6).

Accordingly, Debtors' motion to confirm the Plan will be DENIED.

21. [23-10482](#)-A-13      **IN RE: REYNALDO/BEATRIZ RODRIGUEZ**  
[SL-3](#)

MOTION FOR COMPENSATION FOR SCOTT LYONS, DEBTORS ATTORNEY(S)  
9-12-2023    [\[59\]](#)

SCOTT LYONS/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 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. 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.

Scott Lyons, Attorney at Law ("Movant"), counsel for Reynaldo Gonzales Rodriguez and Beatriz Rodriguez (collectively, "Debtors"), the debtors in this chapter 13 case, requests interim allowance of compensation in the amount of \$9,333.50 and reimbursement for expenses in the amount of \$700.95 for services rendered from January 27, 2023 through September 12, 2023. Doc. #59. Debtors' confirmed plan provides, in addition to \$1,537.00 paid prior to filing the case, for \$12,500.00 in attorney's fees to be paid through the plan. Am. Plan, Doc. #57. No prior fee application has been filed. Debtors consent to the amount requested in Movant's application. Doc. #59.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). In determining the amount of reasonable compensation, 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). Here, Movant demonstrates services rendered relating to: (1) preparing and prosecuting Debtors' first modified plan; (2) preparing motion to extend the automatic stay and response to opposition to extend the automatic stay; (3) communicating with Debtors about mortgage loan modification; (4) preparing the fee application; and (5) general case administration. Ex. B, Doc. #61. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$9,333.50 and reimbursement for expenses in the amount of \$700.95 to be paid in a manner consistent with the terms of the confirmed plan.

22. [23-11094](#)-A-13      **IN RE: RICHARD GOMEZ**  
[MHM-4](#)

CONTINUED RE: MOTION TO DISMISS CASE  
7-19-2023    [\[36\]](#)

SUSAN SILVEIRA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

23. [23-11094](#)-A-13      **IN RE: RICHARD GOMEZ**  
[SDS-1](#)

MOTION TO CONFIRM PLAN  
8-28-2023    [\[57\]](#)

RICHARD GOMEZ/MV  
SUSAN SILVEIRA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

NO RULING.

24. [23-11794](#)-A-13     **IN RE: ENRIQUE/LYDIA HERRERA**  
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS  
9-8-2023    [\[13\]](#)

MICHAEL MEYER/MV  
SCOTT LYONS/ATTY. FOR DBT.

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

DISPOSITION:     Overruled as moot.

ORDER:             The court will issue an order.

This objection is OVERRULED AS MOOT. The debtors filed an amended Schedule C on September 27, 2023, amending the claimed exemption in the stock. Doc. #22.

25. [23-11596](#)-A-13     **IN RE: JOSE GARCIA**  
[PLG-1](#)

MOTION TO CONFIRM PLAN  
8-22-2023    [\[18\]](#)

JOSE GARCIA/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 as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. 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 movant did not attach a copy of the Clerk of the Court's matrix of creditors who have filed a Request for Special Notice applicable to this case with the court's mandatory Certificate of Service form (Doc. #23) filed in connection with the motion. Instead of using a copy of the Request for Special Notice List as required when service is made on parties who request special notice by U.S. Mail under Rule 5 and Rules 7005, 9036 Service,

the movant attached another generated list of names and addresses served. In the future, the movant should attach a copy of the Clerk of the Court's matrix of creditors who have filed a Request for Special Notice applicable to this case instead of another generated list of names and addresses served.

As a further informative matter, the movant incorrectly completed Section 7 of the court's mandatory Certificate of Service form. Doc. #23. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service and checked boxes 6B1 and 6B2(a) and (b). However, the declarant incorrectly checked that service was accomplished by § 6A(1): First Class Mail in Section 7.

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.

26. [21-10398](#)-A-13     **IN RE: ALBERT/MARY SALAZAR**  
[PBB-2](#)

MOTION TO MODIFY PLAN  
9-6-2023    [[42](#)]

MARY SALAZAR/MV  
PETER BUNTING/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 as required by 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 movants have 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.

1. [23-10704](#)-A-7     **IN RE: ROSLYN THOMAS**  
[23-1023](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT  
5-16-2023     [\[7\]](#)

THOMAS V. UNITED STATES DEPARTMENT OF EDUCATION  
SUSAN HEMB/ATTY. FOR PL.  
CLOSED 10/2/23

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

DISPOSITION:     Dropped as moot.

NO ORDER REQUIRED.

A judgment was entered in this adversary proceeding on September 14, 2023.  
Doc. #27.

2. [23-10414](#)-A-7     **IN RE: BRENDA GALAN**  
[23-1027](#)     [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT  
6-9-2023     [\[1\]](#)

GALAN V. UNITED STATES DEPARTMENT OF EDUCATION ET AL  
PETER BUNTING/ATTY. FOR PL.  
DISMISSED 9/8/23

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

DISPOSITION:     Dropped as moot.

NO ORDER REQUIRED.

This adversary proceeding was dismissed on September 8, 2023. Doc. #11.

3. [22-10825](#)-A-7     **IN RE: JAMIE/MARIA GARCIA**  
[22-1018](#)     [BBR-3](#)

MOTION TO COMPEL AND/OR DISCOVERY MOTION AND REQUEST FOR ATTORNEYS FEES  
9-21-2023     [\[52\]](#)

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL  
VIVIANO AGUILAR/ATTY. FOR MV.  
WITHDRAWN

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on October 10, 2023. Doc. #78.

4. [22-10825](#)-A-7     **IN RE: JAMIE/MARIA GARCIA**  
[22-1018](#)     [BBR-4](#)

MOTION TO COMPEL AND/OR DISCOVERY MOTION AND REQUEST FOR ATTORNEYS FEES  
9-21-2023     [\[57\]](#)

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL  
VIVIANO AGUILAR/ATTY. FOR MV.  
WITHDRAWN

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on October 10, 2023. Doc. #78.

5. [22-10825](#)-A-7     **IN RE: JAMIE/MARIA GARCIA**  
[22-1018](#)     [BBR-5](#)

MOTION TO COMPEL AND/OR DISCOVERY MOTION AND REQUEST FOR ATTORNEYS FEES  
9-21-2023     [\[62\]](#)

AGRO LABOR SERVICES, INC. ET AL V. GARCIA ET AL  
VIVIANO AGUILAR/ATTY. FOR MV.  
WITHDRAWN

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

DISPOSITION:                    Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the motion on October 10, 2023. Doc. #79.