



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

Hearing Date: Wednesday, October 22, 2025

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties or their attorneys who wish to appear at a hearing remotely must sign up by **4:00 p.m. one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party/attorney who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#). If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

Post-Publication Changes: The court endeavors to publish its rulings as soon as possible. However, calendar preparation is ongoing, and these rulings may be revised or updated at any time prior to 4:00 p.m. the day before the scheduled hearings. Please check at that time for any possible updates.

9:30 AM

1. [25-13206](#)-B-13 **IN RE: JIM/NOEMI VILLANUEVA**
[PBB-1](#)

MOTION TO EXTEND AUTOMATIC STAY
10-8-2025 [\[15\]](#)

NOEMI VILLANUEVA/MV
PETER BUNTING/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 prepare the order.

Jim ("Jim") and Noemi Villanueva (collectively "Debtors") request an order extending the automatic stay under 11 U.S.C. § 362(c)(3). Doc. #15 et seq.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

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

Under 11 U.S.C. § 362(c)(3)(A), if the debtor has had a bankruptcy case pending within the preceding one-year period that was dismissed, then the automatic stay under subsection (a) shall terminate with respect to the debtor on the 30th day after the latter case is filed.

The Debtors' cases within the last year are as follows:

Docket	Filed	Dismissed	Reason for dismissal
25-12281	7/8/25	7/31/25	Failure to file documents
25-13206	9/24/25	Pending	n/a

The automatic stay in the current case will expire on October 24, 2025.

11 U.S.C. § 362(c)(3)(B) allows the court to extend the stay to any or all creditors, subject to any limitations the court may impose, after a notice and hearing where the debtor demonstrates that the filing of

the latter case is in good faith as to the creditors to be stayed. Such request must be made within 30 days of the petition date.

Cases are presumptively filed in bad faith if any of the conditions contained in 11 U.S.C. § 362(c)(3)(C) exist. The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* 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. 1785 (2019)).

In this case, the presumption of bad faith arises. The subsequently filed case is presumed to be filed in bad faith as to all creditors because Debtors had a previous case under chapter 13 which was dismissed within such 1-year period, after the Debtors failed to file certain documents as required by the Code. 11 U.S.C. § 362(c)(3)(C)(i)(II)(aa).

In his Declaration, Jim states:

My previous case was filed on July 8, 2025 as a case under Chapter 13 and assigned case number 25-12281. Before my previous case was filed I paid ??? [sic] for foreclosure prevention assistance. The services I paid for were never rendered and at the advice of the agency, a skeletal killing [sic] was done on my behalf to stop the pending foreclosure sale. My case was dismissed on July 31, 2025 for failure to timely file the remaining required documents.

Doc. #17. The court interprets this declaration to mean that Debtors filed their prior case as a skeleton petition for the sole purpose of frustrating a creditor's attempt to foreclose on their home, which is problematic for several reasons.

That said, the Debtors, who filed the prior case *pro se*, are now represented by counsel, and it appears from the docket that all required documents have been filed in the case at bar. See docket generally. Jim further declares that Debtors have paid all fees due at the time of filing and filed all necessary documents, including schedules and their Chapter 13 plan. Doc. #17.

According to the Schedules I & J filed in this case, Debtors have a net monthly income of \$5,397.34. Doc. #9 (Schedule I & J). Debtors' proposed Chapter 13 Plan dated October 8, 2025, calls for 60 monthly payments of \$5,395.00 with a distribution of 55% towards nonpriority unsecured claims estimated at \$107,693.00. Doc. #11. As Debtors filed

neither Schedules nor a Plan in the prior case, the court is unable to tell whether there has been a material change in their financial circumstances, but it appears that the proposed plan is feasible.

Based on the moving papers and the record, the presumption appears to have been rebutted by clear and convincing evidence because Debtors are now represented by counsel and have timely paid all fees and submitted all required documents. Their plan appears to have been filed in good faith and seems to be feasible.

This matter will be called and proceed as scheduled. In the absence of opposition at the hearing, this motion may be GRANTED. 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).

2. [25-11912](#)-B-13 **IN RE: WAYNE ARENTS**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
7-17-2025 [[12](#)]

DAVID BOONE/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 matter was originally heard on August 13, 2025, and continued to September 24, 2025. Doc. #23. It was further continued to October 22, 2025, to be heard in conjunction with the Trustee's *Motion to Dismiss* Case. Docs. #29, #33.

The court intends to grant the Trustee's *Motion to Dismiss* but will convert the case to Chapter 7. See *Item #3, below*. Accordingly, this Objection to Confirmation will be OVERRULED AS MOOT.

3. [25-11912](#)-B-13 **IN RE: WAYNE ARENTS**
[LGT-2](#)

MOTION TO DISMISS CASE
9-12-2025 [\[29\]](#)

DAVID BOONE/ATTY. FOR DBT.

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

DISPOSITION: Granted as modified. Converted to Chapter 7.

ORDER: The court will issue an order.
Chapter 13 trustee Lillian G. Tsang ("Trustee") asks the court to
dismiss this case under 11 U.S.C. § 1307 on the following grounds:

1. Unreasonable delay by the debtor that is prejudicial to creditors. [§ 1307(c)(1)].
2. Debtor failed to accurately file schedules and/or statements required by 11 U.S.C § 521 and/or F.R.B.P 1007, specifically, Debtor's Official Form 122C-1, which fails to include financial support from family members that is listed on Debtor's Schedule I.
3. Debtor has failed to commence making plan payments and is delinquent in the amount of \$500.00 as of September 12, 2025, with additional payments accruing. [§ 1307(c)(4)].
4. Debtor failed to file tax returns for tax years 2021 and 2022. [§ 1307(e); § 1308(a)].

Doc. #29. The motion is supported by the Declaration of Linda Shields ("Shields"), who is employed by Trustee and who declares that she has reviewed the documents received by the Trustee's Office and filed with the court in this matter. Doc. #31 ("the Shields Declaration").

The Debtor is Wayne Arrents, who did not respond to the motion.

The court finds that there is "cause" for dismissal under 11 U.S.C. § 1307 for the grounds asserted by the trustee. The record reflects that, since the filing of this motion, Debtor still has not amended his Official Form 122C-1 as requested. *See docket generally.* The record also reflects that there has been unreasonable delay on the part of Debtor because Debtor has failed to commence plan payments and is delinquent by \$500.00 as of September 12, 2025, plus additional payments accruing. Finally, Debtor has failed to file tax returns for 2021 and 2022, which is grounds for dismissal or conversion pursuant to § 1308(a).

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 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the

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. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The Shields Declaration further states that:

As of right now, there is a liquidation amount of \$3,920.10, after Trustee compensation. This liquidation amount is comprised of the value of Debtor's 2017 Honda Civic and 1987 Mitsubishi Montero. If Debtor were to amend the exemptions, there would remain non-exempt equity that could be realized for the benefit of unsecured creditors should the case be converted to Chapter 7.

Doc. #31.

Based on the record before it, the court finds that conversion, rather than dismissal, best serves the interests of creditors and the estate.

Accordingly, the motion will be GRANTED AS MODIFIED, and the case CONVERTED TO CHAPTER 7.

4. [25-11912](#)-B-13 **IN RE: WAYNE ARENTS**
[SAD-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY NEWREZ LLC
7-21-2025 [[16](#)]

NEWREZ LLC/MV
DAVID BOONE/ATTY. FOR DBT.
SHANNON DOYLE/ATTY. FOR MV.

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

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This matter was originally heard on August 13, 2025, and continued to September 24, 2025. Doc. #22. It was further continued to October 22, 2025, to be heard in conjunction with the Trustee's *Motion to Dismiss Case*. Docs. #29, #34.

The court intends to grant the Trustee's *Motion to Dismiss* but will convert the case to Chapter 7. See Item #3, above. Accordingly, Newrez LLC's *Objection to Confirmation* (Doc. #16) will be OVERRULED AS MOOT.

5. [25-13113](#)-B-13 **IN RE: MICHAEL ZUNIGA**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
9-29-2025 [[11](#)]

DISMISSED 10/3/25

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

DISPOSITION: Dropped and taken off calendar.

NO ORDER REQUIRED.

An order dismissing the case was entered on October 3, 2025. Doc. #13. Accordingly, this Order to Show Cause will be taken off calendar as moot. No appearance is necessary.

6. [25-12319](#)-B-13 **IN RE: SALATIEL/MARIA RUIZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
8-26-2025 [[12](#)]

LILIAN TSANG/MV
JOEL WINTER/ATTY. FOR DBT.

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

DISPOSITION: Continued to November 19, 2025, at 9:30 a.m.

ORDER: The court will issue an order.

This matter was originally heard on September 24, 2025, and continued to October 22, 2025. Doc. #16.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Salatiel and Maria Ruiz (collectively "Debtors") on July 11, 2025, on the following basis:

1. The Trustee has not yet concluded the Meeting of the Creditors as Debtors failed to provide Proof of

Identification, Proof of Social Security Number, payment advices, and 2024 income tax returns by August 19, 2025. The continued 341 meeting was set for September 8, 2025. Trustee may supplement this objection.

Doc. #12. The docket reflects that the September 8 Meeting of Creditors was adjourned without conclusion and the continued 341 Meeting was set for October 6, 2025. The docket further reflects that the Debtors and their counsel attended the October 6 Meeting of Creditors, which was concluded. See *docket generally*. It is unclear whether Debtor have provided the payment advices and the tax returns alluded to in the Objection.

On October 9, 2025, the Trustee filed a Supplemental Objection to Confirmation, raising the following additional grounds for Objection:

2. Debtors' Voluntary Petition at line 9 fails to reference all prior bankruptcy filings within the last 8 years. An amended petition is required.
3. The Disclosure of Compensation of Attorney for Debtor form filed on July 11, 2025, is incorrect and is also not the official form used in the Eastern District of California. Also, Paragraph 3.06 of the plan fails to state the monthly dividend payable to attorney fees.
4. Debtors' Schedules must be amended to account for the new job which Maria Ruiz commenced in June 2025 and for the 2007 Honda Accord which is not listed on Debtors' Schedule A/B.
5. The plan fails to properly account for the arrearage of Class 1 claim holder Lakeview LoanCare LLC as listed on the creditor's proof of claim, and Debtors have not objected to that proof of claim.

As the Supplemental Objection raises additional Objections not contained in the original filing, this objection will be CONTINUED to November 19, 2025, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the Objection not later than **14 days before the hearing**. 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 Debtors' position. Any reply shall be served no later than **7 days before the hearing**.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtors do not timely file a modified plan or a written response, this objection will be sustained on the grounds stated in the objection without further hearing.

7. [25-10925](#)-B-13 **IN RE: JORGE GONZALEZ AND NANCY RAMIREZ**
[JRL-5](#)

MOTION TO CONFIRM PLAN
9-23-2025 [[70](#)]

NANCY RAMIREZ/MV
JERRY LOWE/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to November 19, 2025, at 9:30 a.m.

ORDER: The court will issue an order.

Jorge Gonzalez and Nancy Ramirez ("Debtors") move for an order confirming the *Third Modified Chapter 13 Plan* dated September 23, 2025. Doc. #72. No plan has been confirmed so far. Chapter 13 trustee Lilian G. Tsang ("Trustee") timely objected to confirmation of the plan for the following reason(s):

1. Debtors' original Chapter 13 plan provided for the mortgage claim owed to PNC Bank N.A. to be paid direct as a Class 4 claim. However, the proof of claim filed by PNC Bank N.A. states that the mortgage was delinquent with pre-petition arrears of \$7,170.07. The third modified Chapter 13 plan has moved the mortgage claim of PNC Bank N.A. from Class 4 to Class 1. Debtors provided proof to the Trustee's office that they had made one post-petition mortgage payment to PNC Bank N.A. while the claim was designated as Class 4. Therefore, the Trustee is required to make 59 ongoing monthly mortgage payments during the plan's duration, presumably starting with the mortgage payment that came due May 1, 2025. However, the Chapter 13 plan does not expressly set forth the start date for the ongoing mortgage payment, causing the start date for the mortgage payment to be April 1, 2025, which is month 1. If the Trustee is required to make the April 1, 2025, mortgage payment, the plan will not fund. Trustee requests Debtors file an amended plan that clearly states the start date (month and year) for the Trustee to begin making the Class 1 ongoing mortgage payments to PNC Bank N.A. This issue cannot be resolved in an order confirming plan because delaying the Class 1 mortgage payment would adversely affect secured creditor PNC Bank N.A.
2. The plan does not provide for payment amounts for months 3, 4, and 5. Without plan payment amounts for months 3, 4, and 5, the plan will not fund, Trustee is unable to determine if the plan is feasible. The Trustee requests Debtors file an amended plan and provide specific monthly payments for all 60 months of the plan's duration.

Doc. #78.

This motion to confirm plan will be CONTINUED to November 19, 2025, at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or all objections to confirmation are withdrawn, the Debtors shall file and serve a written response to the objections no later than fourteen (14) days before the continued hearing date. The response shall specifically address each issue raised in the objection(s) to confirmation, state whether each issue is disputed or undisputed, and include admissible evidence to support the Debtor's position. Any replies shall be filed and served no later than seven (7) days prior to the hearing date.

If the Debtors elect to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than seven (7) days before the continued hearing date. If the Debtors do not timely file a modified plan or a written response, the objection will be sustained on the grounds stated, and the motion will be denied without further hearing.

8. [25-12026](#)-B-13 **IN RE: FRANCES VENEGAS**
[PLG-1](#)

MOTION TO CONFIRM PLAN
9-5-2025 [[13](#)]

FRANCES VENEGAS/MV
STEVEN ALPERT/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.

Frances Venegas ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated September 5, 2025. Docs. #13, #15. No plan has been confirmed so far. On October 2, 2025, Chapter 13 trustee Lilian G. Tsang ("Trustee") objected to confirmation of the plan. Doc. #21. On October 20, 2025, Debtor filed a Reply conceding the Trustee's objections to confirmation and advising that a *Second Modified Plan* is forthcoming. Accordingly, the *Motion to Confirm the First Modified Chapter 13 Plan* dated September 5, 2025, will be DENIED WITHOUT PREJUDICE.

9. [25-13037](#)-B-13 **IN RE: CHRISTINA REYES**
[PBB-2](#)

MOTION TO VALUE COLLATERAL OF CAPITAL ONE AUTO FINANCE
9-17-2025 [\[20\]](#)

CHRISTINA REYES/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.

Christina Reyes ("Debtor") moves for an order valuing a 2020 Chevrolet Trax LS ("Vehicle") at \$9,835.00 under 11 U.S.C. § 506(a). Doc. #20 et seq. Vehicle is encumbered by a purchase money security interest in favor Capital One Auto Finance, a division and subsidiary of Capital One Finance Corporation ("Creditor"). *Id.*

Debtor complied with Fed. R. Bankr. Pro. Rules 3012(b) and 7004(b)(3) by serving Creditor a copy of the motion by first-class mail to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process, in this case Richard F. Fairbanks, CEO for Creditor. Doc. #24.

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1)

the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a)(1), which applies to all debtors under this title, states:

An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to set off is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

11 U.S.C. § 506(a)(2) states:

If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean 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.

Here, Debtor declares that she borrowed money from Creditor to purchase Vehicle in February 2022, which is more than 910 days preceding the September 8, 2025, petition date. Doc. #22. Creditor has not responded to dispute the declaration, and Creditor's proof of claim is silent as to when the Vehicle was purchased. POC #4-1. Accepting the un rebutted declaration as true, the elements of § 1325(a)(*) are not met and § 506 is applicable.

Debtor declares Vehicle has a replacement value of \$9,835.00. Doc. #22. Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at

\$9,835.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

10. [25-13037](#)-B-13 **IN RE: CHRISTINA REYES**
[PBB-3](#)

MOTION TO VALUE COLLATERAL OF LENDMARK FINANCIAL SERVICES, LLC
9-17-2025 [\[25\]](#)

CHRISTINA REYES/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.

Christina Reyes ("Debtor") moves for an order valuing a 2016 Kia Forte LX ("Vehicle") at \$6,765.00 under 11 U.S.C. § 506(a). Doc. #25 et seq. Vehicle is encumbered by a purchase money security interest in favor Lendmark Financial Services, LLC ("Creditor"). *Id.*

Debtor complied with Fed. R. Bankr. Pro. Rules 3012(b) and 7004(b)(3) by serving Creditor a copy of the motion by first-class mail to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process, in this case Creditor's registered agent. Doc. #29.

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 1325(a) (*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a) (1), which applies to all debtors under this title, states:

An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to set off is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

11 U.S.C. § 506(a) (2) states:

If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean 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.

Here, Debtor declares that, in July 2024, she borrowed money from Creditor through a non-purchase money loan for which the Vehicle was put up as collateral. Doc. #22. Creditor has not responded to dispute the declaration, and Creditor's proof of claim says that the basis of the loan is for "Money Loaned." POC #2-1. As Creditor does not hold a purchase money security interest, the elements of § 1325(a) (*) are not met and § 506 is applicable.

Debtor declares Vehicle has a replacement value of \$6,765.00. Doc. #27. Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at \$6,765.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

11. [23-12072](#)-B-13 **IN RE: MICHAEL RUBE**
[RSW-1](#)

MOTION TO INCUR DEBT
10-1-2025 [\[27\]](#)

MICHAEL RUBE/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 Moving Party will submit a proposed order after hearing.

Michael Rube ("Debtor") moves for authorization to incur further indebtedness to purchase a new vehicle and trade in a currently-owned vehicle pursuant to Local Bankruptcy Rule ("LBR") 3015-1(h)(A).

Debtor filed this Chapter 13 case on September 18, 2023. Doc. #1. Debtor declares that he is current on all plan payments. Doc. #29 (Debtor's Declaration). Debtor further declares that he has been approved to purchase a new 2025 Kia ("the Kia") with a purchase price of \$28,265.00 and that the dealer will give him \$2,500.00 as a trade-in for his 2017 Ford Fusion ("the Ford"). *Id.* The proposed monthly payment for the Kia is \$648.85 for 70 months at 14.8% interest. *Id.* Debtor declares that the Ford is "no longer dependable." *Id.*

Debtor valued the Ford at \$9,175.00 in Schedule A/B. Docs. #1 (Schedule A/B). The Ford is listed in the confirmed plan in Class 2, with secured creditor United Local Credit Union to receive \$5,420.00 at 4.19% with a monthly dividend of \$555.00. Doc. #4. Debtor has filed an Amended Schedule I & J which indicates that, even with the addition of the new car payment, Debtor will have a monthly net income of \$3,198.60. Doc. #31. This is more than adequate to cover his monthly plan payment of \$600.00 and still provide a 100% dividend to general unsecured creditors. Doc. #4.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be GRANTED.

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

LBR 3015-1(h) provides two mechanisms whereby a Chapter 13 debtor may finance the purchase of a new motor vehicle within the life of the Chapter 13 plan.

First, LBR 3015-1(h)(A) allows the debtor, with court approval, to finance the purchase of a motor vehicle if written consent of the chapter 13 trustee is filed with or as part of the motion. The trustee's approval is a certification to the court that: (i) all chapter 13 plan payments are current; (ii) the chapter 13 plan is not in default; (iii) the debtor has demonstrated an ability to pay all future plan payments, projected living expenses, and the new debt; (iv) the new debt is a single loan incurred to purchase a vehicle that is reasonably necessary for the maintenance or support of the debtor, or necessary for the continuation, preservation, and operation of the debtor's business; (v) the only security for the new debt will be the vehicle purchased by debtor; and (vi) the new debt does not exceed \$20,000.00.

If the trustee will not give consent (or if, as is the case here, the amount of the new loan exceeds \$20,000.00), a debtor may still seek court approval under LBR 3015-1(h)(E) by filing and serving a motion on the notice required by Fed. R. Bankr. P. 2002 and LBR 9014-1, which Debtor has done.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, the court is inclined to GRANT the motion. After review of the attached evidence, the court finds that Debtor will be able to make the monthly payment for Kia. Debtor is authorized, but not required, to incur further debt to purchase the Kia for \$28,265.00 at 14.8% interest with monthly payments of \$648.85 for 70 months, or another vehicle with comparable terms. Should the debtor's budget prevent maintenance of current plan payment, debtor/s shall continue making plan payments until the plan is modified.

12. [25-12790](#)-B-13 **IN RE: TONY BENTO**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-24-2025 [\[14\]](#)

LILIAN TSANG/MV
SCOTT LYONS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn.

No order is required.

On October 16, 2025, the Trustee withdrew this Objection to Confirmation. Doc. #23. Accordingly, this Objection is WITHDRAWN.

13. [25-12098](#)-B-13 **IN RE: ADAM BRYANT**
[PLG-1](#)

MOTION TO CONFIRM PLAN
8-29-2025 [\[20\]](#)

ADAM BRYANT/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.

Adam Bryant ("Debtor") seeks an order confirming the *First Modified Chapter 13 Plan*) dated August 29, 2025. Docs. #20, #22. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Plan payments of \$1,000.00 per month.
2. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. BMO Harris Bank (Class 4, 2018 Keystone Cougar trailer). \$450.00 per month to be paid directly by Debtor.
 - b. Capital One Auto Finance (Class 4, 2025 Kia Sorrento in wife's name). \$997.00 per month to be paid directly by Debtor.
3. A dividend of 100% to unsecured creditors on claims of approximately \$52,884.00.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See *Boone v. Burk (In re Eliapo)*, 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

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

11:00 AM

1. [25-11500](#)-B-13 **IN RE: STEPHEN/ELIZABETH RAYBURN**
[25-1038](#)

ORDER TO SHOW CAUSE
10-6-2025 [\[16\]](#)

FRESNO OXYGEN AND WELDING SUPPLIERS, INC. V. RAYBURN

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

Defendant Fresno Oxygen and Welding Suppliers, Inc. filed a Corporate Ownership Statement on October 7, 2025, as required by Fed. R. Bankr. P. 7007.1 and the *Order to Show Cause* ("OSC"). Doc. #17. Accordingly, the OSC will be VACATED.

2. [24-11813](#)-B-7 **IN RE: MARIA MACHAIN AND MIGUEL NUNEZ HERNANDEZ**
[24-1034](#) [CAE-2](#)

ORDER TO SHOW CAUSE
9-11-2025 [\[20\]](#)

IBARRA V. MACHAIN ET AL

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Determined at the hearing.

ORDER: The court will prepare the order.

On September 11, 2025, the court entered an *Order to Show Cause* ("OSC") in this adversary proceeding, directing Defendants Maria Luisa Machain and Miguel Nunez Hernandez ("Defendants") to appear before the court and show cause why the court should not strike their Answer to the Complaint and enter default against them for violating their obligations under Fed. R. Civ. Proc. 16 by failing to file a pre-trial conference statement and by being unprepared to discuss important matters at the pre-trial conference conducted on September 10, 2025. Doc. #20.

The court further directed Defendants to file a written response to the OSC with this court, specifically addressing their Rule 16 violations as set forth in the OSC. *Id.* Defendants have failed to do so. *See Docket generally.*

This hearing will proceed as scheduled. If Defendants do not appear, the aforementioned Answer will be stricken, and a default will be entered against Defendants. If Defendants do appear, the court will determine whether the Answer should be stricken for Defendants' failure fulfill their obligations under Rule 16, and a default entered.

3. [23-12426](#)-B-7 **IN RE: RAUL FERNANDEZ-MARTINEZ**
[25-1021](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
5-21-2025 [[1](#)]

FEAR V. PAPE TRUCK LEASING, INC.
GABRIEL WADDELL/ATTY. FOR PL.

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

DISPOSITION: Concluded and dropped from the calendar.

No order is required.

On October 10, 2025, an Order and Judgment resolving this adversary proceeding were entered. Docs. ##32-33. Accordingly, this Status Conference is CONCLUDED and DROPPED from the calendar.

4. [24-10350](#)-B-7 **IN RE: RAYMOND/CAROL TAVITA**
[24-1028](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
8-27-2024 [[1](#)]

TAVITA V. DEPARTMENT OF EDUCATION/MOHELA ET AL
CAROL TAVITA/ATTY. FOR PL.

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

DISPOSITION: Concluded and dropped from the calendar.

No order is required.

On July 29, 2025, the court entered an Order approving the Stipulated Judgment in this matter. Doc. #63. On August 18, 2025, this adversary proceeding was closed. Accordingly, this pre-trial conference is CONCLUDED and DROPPED from the calendar.

5. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1033](#) [MNG-5](#)

STATUS CONFERENCE RE: MOTION FOR SUMMARY JUDGMENT AND/OR
MOTION FOR PARTIAL SUMMARY JUDGMENT
4-25-2025 [[830](#)]

SUGARMAN V. IRZ CONSULTING, LLC ET AL
KYLE SCIUCHETTI/ATTY. FOR MV.

NO RULING.

6. [25-10088](#)-B-11 **IN RE: AMY CORPUS**
[25-1017](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
4-21-2025 [[1](#)]

SLOVER ET AL V. CORPUS
JUSTIN CARTER/ATTY. FOR PL.

NO RULING.

7. [25-12093](#)-B-7 **IN RE: SHARON KENEHAN**
[25-1027](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
6-25-2025 [[1](#)]

KENEHAN V. NELNET ET AL
DISMISSED 9/22/25

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

DISPOSITION: Concluded and dropped from the calendar.

No order is required.

On September 22, 2025, the court entered an Order dismissing this case. Doc. #29. Accordingly, this Status Conference is hereby CONCLUDED and DROPPED from the calendar.