



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

Hearing Date: Wednesday, November 20, 2024

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. [24-11505](#)-B-13 **IN RE: LUIGI/BRITTNEE TISO**
[JRL-4](#)

MOTION TO CONFIRM PLAN
10-15-2024 [\[57\]](#)

BRITTNEE TISO/MV
JERRY LOWE/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.

Luigi and Brittnee Tiso ("Debtors") seek an order confirming the *Second Modified Chapter 13 Plan* dated October 15, 2024. Docs. #57, #61. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Plan payments will be \$395.00 per month.
2. Outstanding Attorney's fees in the amount of \$10,375.00 to be paid through the plan.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. Navitas Credit Corporation (Class 2B, Non-PMSI, cooking equipment). \$4,000.00 at 5.00% to be paid at \$75.48 per month.
 - b. Technology Credit Union (Class 2B, PMSI, solar panels). \$3,000.00 at 5.00% to be paid at \$37.74 per month.
 - c. CarMax Auto Finance (Class 4, 2015 Toyota Tundra SR5). Totaled. \$33,159.56 in insurance proceeds to Creditor to satisfy claim. Balance of \$661.08 to Debtors.
 - d. M&T Bank (Class 4, 3478 Park Avenue, Clovis). \$1,537.55 per month to be paid by Debtors.
4. The following executory contracts and/or leases will be assumed:
 - a. Matthew Stewart/2024 Toyota Tundra Lease. \$715.00 per month.
 - b. Michelle Doody/2013 Nissan Altima Lease. \$200.00 per month.
5. A dividend of 3% to unsecured creditors.

Doc. #61.

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.

No party in interest has responded, and the defaults of all nonresponding parties are entered.

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

2. [24-10010](#)-B-13 **IN RE: TY PERRY AND DIANA PELAIZ-PERRY**
[PLG-2](#)

MOTION TO MODIFY PLAN
10-16-2024 [\[41\]](#)

DIANA PELAIZ-PERRY/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.

Ty Perry and Diana Pelaiz-Perry ("Debtors") seek an order confirming the *First Modified Chapter 13 Plan* dated October 16, 2024. Docs. #41, #43. The current plan is dated February 20, 2024, and was confirmed on May 18, 2024. Docs. #20, #34. Debtor's aggregate payment for months 1-8 will be as received by the Trustee. Plan payments for months 9-60 will be \$2,499.00.

Debtors aver that this modification is necessary because the IRS has recently amended its Proof of Claim, lowering Debtors' tax liability. Debtors can reduce their plan payments and still maintain a 100% distribution to unsecured creditors. Doc. #44. Other than the reduction in dividends to the IRS and the resultant reduction in monthly plan payments, the plan terms are unchanged.

Doc. #44.

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.

No party in interest has responded, and the defaults of all nonresponding parties are entered.

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

3. [24-12413](#)-B-13 **IN RE: ROYCE DUNCAN**
[EAM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN
BY DPS FINANCE COMPANY
9-27-2024 [\[26\]](#)

DPS FINANCE COMPANY/MV
ERIC MITNICK/ATTY. FOR MV.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On October 30, 2024, a Notice of Entry of Order of Dismissal was entered in this case. Doc. #41. Accordingly, this Objection is DENIED as moot.

4. [24-12413](#)-B-13 **IN RE: ROYCE DUNCAN**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY
TRUSTEE LILIAN G. TSANG
9-26-2024 [\[19\]](#)

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On October 30, 2024, a Notice of Entry of Order of Dismissal was entered in this case. Doc. #41. Accordingly, this Objection is DENIED as moot.

5. [24-12714](#)-B-13 **IN RE: SEBASTIAN GUTIERREZ**
[BRB-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY SAMANTHA RYAN
11-5-2024 [\[26\]](#)

SAMANTHA RYAN/MV
PETER MACALUSO/ATTY. FOR DBT.
BRADLEY BOWLES/ATTY. FOR MV.

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

DISPOSITION: Continued to December 18, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Samantha Ryan ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Sebastian Gutierrez ("Debtors") on October 2, 2024, on the following basis:

1. Lack of Good Faith. Creditor asserts that Debtor filed this bankruptcy solely to evade his responsibilities under a settlement of Creditor's sexual assault claims against him.
2. Feasibility Issues. Creditor argues that Debtor's plan is unlikely to succeed based on his unwillingness to honor the terms of the settlement agreement.
3. Bad Faith in Filing. Debtor argues that the filing was strategically timed to prevent Creditor from enforcing her judgment against him rather than a genuine reorganization.

Docs. #26, #28.

This objection will be CONTINUED to December 18, 2024. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or

the objection to confirmation is withdrawn, the Debtor 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 Debtor elects to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtor does 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.

6. [24-12714](#)-B-13 **IN RE: SEBASTIAN GUTIERREZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
11-5-2024 [[22](#)]

PETER MACALUSO/ATTY. FOR DBT.

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

DISPOSITION: Continued to December 18, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Lilian G. Tsang ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Sebastian Gutierrez ("Debtors") on October 2, 2024, on the following basis:

1. Trustee has not concluded the 341 meeting as Debtor failed to provide his 2023 tax returns and several other requested documents. The continued meeting is set for December 3, 2024.
2. Local Rule 1002-1(e). Based on Debtor's filings and testimony at the 341 meeting, it is unclear how long Debtor has resided in California.

Doc. #32.

This objection will be CONTINUED to December 18, 2024. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor 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 Debtor elects to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtor does 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. [24-12317](#)-B-13 **IN RE: KHALID CHAOUI**
[JM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY
LENDMARK FINANCIAL SERVICES, LLC
9-9-2024 [\[21\]](#)

LENDMARK FINANCIAL SERVICES, LLC/MV
JAMES MACLEOD/ATTY. FOR MV.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On November 7, 2024, the court entered an order dismissing this case. Doc. #59. Accordingly, this Objection will be DENIED as moot.

8. [24-12317](#)-B-13 **IN RE: KHALID CHAOUI**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN
BY LILIAN G. TSANG
9-27-2024 [\[31\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On November 7, 2024, the court entered an order dismissing this case. Doc. #59. Accordingly, this Objection will be DENIED as moot.

9. [24-12848](#)-B-13 **IN RE: CECILIA AGUILAR AND DAVID QUINONEZ**
[AP-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY CAPITAL ONE AUTO FINANCE
11-5-2024 [\[17\]](#)

CAPITAL ONE AUTO FINANCE/MV
ERIC ESCAMILLA/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.

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

DISPOSITION: Continued to December 18, 2024, at 9:30 a.m.

ORDER: The court will issue an order.

Capital One Auto Finance ("Creditor") objects to confirmation of the *Chapter 13 Plan* filed by Cecilia Aguilar and David Quinonez ("Debtors") on October 1, 2024, on the following basis:

1. Debtors' proposed treatment of Creditor's claim calls for payment at a 7% interest rate. Creditor asserts that the proper *Till* rate is at least 9.0%.

Doc. #17.

This objection will be CONTINUED to December 18, 2024. at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the objection to confirmation is withdrawn, the Debtor 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 Debtor elects to withdraw the plan and file a modified plan in lieu of filing a response, then a confirmable, modified plan shall be filed, served, and set for hearing not later than **7 days before the hearing**. If the Debtor does 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.

10. [24-12449](#)-B-13 **IN RE: REBECCA PAFFORD**
[LGT-1](#)

CONTINUED MOTION TO DISMISS CASE
10-10-2024 [\[28\]](#)

LILIAN TSANG/MV

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

DISPOSITION: Denied as moot.

No order is required.

On November 13, 2024, the court entered an order dismissing this case for failure to pay filing fees. Accordingly, the Trustee's *Motion to Dismiss* is DENIED as moot.

11. [23-12481](#)-B-13 **IN RE: CAROL DEYON**
[NES-2](#)

CONTINUED MOTION TO MODIFY PLAN
8-23-2024 [\[36\]](#)

CAROL DEYON/MV
NEIL SCHWARTZ/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On November 8, 2024, Carol Deyon ("Debtor") filed her *Second Modified Chapter 13 Plan*. Doc. #51. Accordingly, this motion to confirm her *First Modified Chapter 13 Plan* will be DENIED AS MOOT.

12. [19-15090](#)-B-13 **IN RE: DENNIS/STEPHANIE MALDONADO**
[SL-1](#)

MOTION TO MODIFY PLAN
10-11-2024 [\[67\]](#)

STEPHANIE MALDONADO/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.

Dennis and Stephanie Maldonado ("Debtors") seek an order confirming the *First Modified Chapter 13 Plan* dated October 11, 2024. Doc. #69. The current operative plan was filed on December 6, 2019, and confirmed on April 10, 2020. Docs. #2, #35. The 60-month modified plan proposes the following terms:

1. Debtor's aggregate payment for months 1-57 will be no less than \$81,686.00. Debtor's payments for months 58-60 will be \$2,800.00 per month.
2. The current dividend of 100% to unsecured creditors will be reduced to a 92.50% dividend.
3. The plan is otherwise unchanged.

Compare Docs. #2 and #69.

Debtor Stephanie Maldonado declares that this modification is necessary because the proofs of claim for Debtors' general unsecured creditors came in higher than originally estimated, and Debtors' combined income is insufficient to pay the full 100% dividend to general unsecured creditors and still meet their reasonable and necessary living expenses. Doc. #70.

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.

No party in interest has filed written opposition, and the defaults of all such parties are entered. This motion will be GRANTED. The confirmation order shall include the docket control number of the motion and reference the plan by the date it was filed.

13. [20-11496](#)-B-13 **IN RE: ROSA VALENCIA DE CASTILLO**
[JDR-1](#)

MOTION FOR COMPENSATION FOR JEFFREY D. ROWE,
DEBTORS ATTORNEY(S)
10-15-2024 [\[27\]](#)

JEFFREY ROWE/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.

Jeffrey D. Rowe ("Applicant"), attorney for Rosa Valencia De Castillo ("Debtor"), requests interim compensation in the sum of **\$9,605.00** under 11 U.S.C. § 330 and § 331. Doc. #27. This amount consists of \$9,605.00 in fees and \$0.00 in expenses from December 12, 2019, through October 14, 2024. *Id.* This is Applicant's first fee application.

Debtor executed a statement of consent dated October 14, 2024, indicating that Debtor has read the fee application and approves the same. Doc. #31 (*Exhib. F*).

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) and Fed. R. Bankr. P. ("Rule") 2002(a)(6). 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.

Section 3.05 of the *Chapter 13 Plan* dated April 27, 2020, confirmed July 10, 2020, indicates that Applicant was paid \$1,810.00 prior to filing the case of which \$1,310.00 remains in Applicant's trust account. Docs. #2, #18. Subject to court approval, additional fees of \$15,000.00 shall be paid through the plan after filing and serving a motion in accordance with 11 U.S.C. § 329 and § 330, and Rules 2002, 2016-17. Doc. #18. This is Applicant's first fee application. Doc. #27.

Applicant's firm provided **37.80** billable hours at the following rates, totaling **\$11,105.00** in fees:

Professional	Rate	Billed	Total
Jeffrey D. Rowe	\$350	29.30	\$10,255.00
Mandy Dabb	\$100.00	8.50	\$850.00
Total Hours & Fees		37.80	\$11,105.00

Doc. #31 (*Exhib. C*). Applicant does not seek expense reimbursement. Doc. #27. After application of the \$1,310.00 which Applicant still holds in trust, Applicant seeks a total award of **\$9,605.00**. *Id.*

11 U.S.C. § 330(a)(1)(A) & (B) permits approval of "reasonable compensation for actual necessary services rendered by . . . [a] professional person" and "reimbursement for actual, necessary expenses." In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, extent, and value of such services, considering all relevant factors, including those enumerated in subsections (a)(3)(A) through (E). § 330(a)(3).

Applicant's services here included, without limitation: prepetition consultation and fact-gathering; preparation of the petition, schedules, and Form 122C; independent verification of information; amendments to petitions and/or schedules; original plan, hearings, and objections; 341 preparation and attendance; claim administration and claim objections; fee applications; and case administration. Doc. #31. The court finds these services and expenses reasonable, actual, and necessary.

No party in interest timely filed written opposition. This motion will be GRANTED. Applicant shall be awarded **\$9,605.00** in fees as reasonable compensation for services rendered and **\$0.00** in reimbursement of actual, necessary expenses on an interim basis under 11 U.S.C. § 330 and § 331. The chapter 13 trustee will be authorized to pay Applicant

\$9,605.00 through the confirmed plan for services and expenses from December 12, 2019, through October 14, 2024.

14. [24-12497](#)-B-13 **IN RE: JEFFREY HEDRICK**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-26-2024 [\[17\]](#)

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

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On November 6, 2024, the Debtor in this case filed an Amended Chapter 13 Plan. Doc. #27. Accordingly, this Objection to confirmation of the prior plan is DENIED AS MOOT.

11:00 AM

1. [22-11403](#)-B-7 **IN RE: STANFORD CHOPPING, INC.**
[24-1023](#) [CAE-1](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
10-15-2024 [\[18\]](#)

HOLDER V. AUGUSTAR LIFE ASSURANCE CORPORATION
REBEKKA MARTORANO/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Augustar Life Assurance Corporation ("Augustar"), by and through counsel, moves to dismiss counts 1 through 7 of the causes of action in this adversary proceeding. Doc. #18. Because of procedural errors, this motion will be DENIED WITHOUT PREJUDICE.

LBR 9004-2(a)(6), (b)(5), (b)(6), (e)(3), LBR 9014-1(c), and (e)(3) are the rules about Docket Control Numbers ("DCN"). These rules require a DCN to be in the caption page on all documents filed in every matter with the court and each new motion requires a new DCN. The DCN shall consist of not more than three letters, which may be the initials of the attorney for the moving party (e.g., first, middle, and last name) or the first three initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by said attorney or law firm in connection with that specific bankruptcy case. Each separate matter must have a unique DCN linking it to all other related pleadings.

Here, Augustar filed the instant motion under DCN CAE-1. Doc. #18. However, Augustar has previously used that same DCN for prior filings unrelated to this motion. See Docs. #3, #6, #10, and #15. Accordingly, the reuse of the CAE-1 docket control number does not comply with the local rules. Each separate matter filed with the court must have a different DCN. In its Reply brief, Augustar acknowledges the procedural error and requests leave to re-file this motion after the District Court hears its pending *Motion to Withdraw the Reference*. Doc. 41.

In addition, LBR 9004-2(c)(1) requires that motions, notices, objections, responses, replies, declarations, affidavits, other documentary evidence, exhibits, memoranda of points and authorities, other supporting documents, proofs of service, and related pleadings shall be filed as separate documents.

Also, LBR 9004-2(d) requires (1) exhibits to be filed as a separate exhibit document, (2) an exhibit index stating the page number at which each exhibit is found within the exhibit document, and (3) use of consecutively numbered exhibit pages throughout the exhibit document, including any separator, cover, or divider sheets.

Here, the exhibits are attached to the motion, along with a Declaration from Rebekka R. Martrano which consists of a statement of what exhibits are attached but without any page numbering. If Augustar refiles this motion, any exhibits or declarations must be filed separately.

For the above reason, this motion will be DENIED WITHOUT PREJUDICE.

2. [22-11403](#)-B-7 **IN RE: STANFORD CHOPPING, INC.**
[24-1023](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
8-14-2024 [\[1\]](#)

HOLDER V. AUGUSTAR LIFE ASSURANCE CORPORATION
ESTELA PINO/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Continued to January 15, 2025, at 11:00 a.m.

ORDER: The court will issue an order.

Presently, this adversary is subject to a *Motion to Withdraw the Reference* which is pending before the district court. See *Doc. #17*. Accordingly, the court *sua sponte* CONTINUES this status conference until January 15, 2025, at 11:00 a.m.

3. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1007](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
1-7-2019 [\[1\]](#)

SUGARMAN V. BOARDMAN TREE FARM, LLC ET AL
JOHN MACCONAGHY/ATTY. FOR PL.

NO RULING.

4. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1007](#) [SLC-1](#)

MOTION BY SARA L. CHENETZ TO WITHDRAW AS ATTORNEY
11-6-2024 [\[180\]](#)

SUGARMAN V. BOARDMAN TREE FARM, LLC ET AL
SARA CHENETZ/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2). However, pursuant to LBR 9014-1(f)(2)(A), a motion in an adversary proceeding may not be noticed pursuant to the alternative notice procedure from LBR 9014-1(f)(2). Accordingly, this motion was improperly noticed.

For the above reason(s), this motion will be DENIED WITHOUT PREJUDICE.

5. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1033](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE:
THIRD-PARTY COMPLAINT, AMENDED COMPLAINT
2-24-2021 [\[163\]](#)

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

NO RULING.

6. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1037](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: NOTICE OF REMOVAL
7-23-2018 [\[1\]](#)

IRZ CONSULTING LLC V. TEVELDE ET AL.
HAGOP BEDOYAN/ATTY. FOR PL.

NO RULING.

7. [24-12751](#)-B-11 **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**
[24-1035](#) [CAE-1](#)

STATUS CONFERENCE RE: NOTICE OF REMOVAL
9-23-2024 [[1](#)]

AMERICAN AGCREDIT, FLCA ET AL
V. KUMAR ET AL
UNKNOWN TIME OF FILING/ATTY. FOR PL.

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

DISPOSITION: Dropped from calendar.

No order is required.

On October 15, 2024, the court granted the motion for remand. Doc. #90. On that same day, this adversary proceeding was closed. Accordingly, this hearing was DROPPED from the calendar.

8. [24-12751](#)-B-11 **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**
[24-1037](#) [CAE-2](#)

ORDER TO SHOW CAUSE FOR FAILURE TO FILE
CORPORATE OWNERSHIP STATEMENT
10-22-2024 [[31](#)]

SINGH ET AL V. BAUGHER RANCH ORGANICS, INC.

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The docket reflects that on October 22, 2024, Baugher Ranch Organics, Inc. filed its *Statement Regarding Ownership of Corporate Debtor/Party*. Doc. 32.

Accordingly, the order to show cause will be VACATED.

9. [23-10457](#)-B-11 **IN RE: MADERA COMMUNITY HOSPITAL**
[23-1024](#)

PRE-TRIAL CONFERENCE RE: COMPLAINT
5-11-2023 [\[1\]](#)

RUBIO V. MADERA COMMUNITY HOSPITAL
EILEEN GOLDSMITH/ATTY. FOR PL.
STATUS CONFERENCE CONT'D TO 2/26/25

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

DISPOSITION: Continued to February 26, 2025, at 11:00 a.m.

No order is required.

Pursuant to an order of this court dated November 4, 2024, this hearing is continued to **February 26, 2025, at 11:00 a.m.**

10. [21-12473](#)-B-7 **IN RE: BLAIN FARMING CO., INC.**
[23-1040](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT
10-3-2023 [\[1\]](#)

SALVEN V. BLAIN
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.

A status conference in this adversary has been set for December 18, 2024, at 11:00 a.m. Doc. #29. Accordingly, this Status Conference will be CONCLUDED and DROPPED from the calendar.

11. [21-12473](#)-B-7 **IN RE: BLAIN FARMING CO., INC.**
[23-1040](#) [FW-3](#)

MOTION TO SUBSTITUTE REAL PARTY IN INTEREST
AFTER TRANSFER OF INTEREST
11-4-2024 [\[32\]](#)

SALVEN V. BLAIN
GABRIEL WADDELL/ATTY. FOR MV.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2). However, pursuant to LBR 9014-1(f)(2)(A), a motion in an adversary proceeding may not be noticed pursuant to the alternative notice procedure from LBR 9014-1(f)(2). Accordingly, this motion was improperly noticed.

For the above reason(s), this motion will be DENIED WITHOUT PREJUDICE.

12. [24-11595](#)-B-7 **IN RE: MARCIAL LUA**
[24-1017](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-24-2024 [\[1\]](#)

LUA V. UNITED STATES DEPARTMENT OF EDUCATION
SUSAN HEMB/ATTY. FOR PL.
RESPONSIVE PLEADING

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

DISPOSITION: Concluded and dropped from the calendar.

No order is required.

On September 16, 2024, the court entered judgment in favor of the Debtor-Plaintiff in this matter. Doc. #16. On October 4, 2024, this case was closed. *Docket generally*. Accordingly, this status conference will be CONCLUDED and DROPPED from the calendar.

13. [18-11651](#)-B-11 **IN RE: GREGORY TE VELDE**
[19-1037](#) [SLC-1](#)

MOTION BY SARA L. CHENETZ TO WITHDRAW AS ATTORNEY
11-7-2024 [\[176\]](#)

IRZ CONSULTING LLC V. TEVELDE ET AL.
DOUGLAS PAHL/ATTY. FOR MV.
OST 11/12/24

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR").

This motion was set for hearing on shortened notice with an OST ostensibly under the procedure specified in Local Rule of Practice ("LBR") 9014-1(f)(3). According to the Declaration accompanying the *Motion to Shorten Time*, Movant sought an OST so that this matter could be heard in conjunction with the related motion from *Item #4*, above. See Doc. #186. However, the court has already denied the motion in *Item #4* for procedural grounds because it was filed on 14-days' notice pursuant to LBR 9014-1(f)(2), and that procedure is not available for motions filed in adversary proceedings. See LBR 9014-1(f)(2)(A). Though movant here obtained an Order Shortening Time, there is a remaining procedural problem with this motion.

LBR 7005-1 requires service of pleadings and other documents in adversary proceedings, contested matters, and all other proceedings in this district that are filed by attorneys, trustees, or other Registered Electronic Filing System Users to document their service of any such pleadings and/or documents by filing a certificate of service and using the **Official Certificate of Service Form, EDC 007-005**. That form can be found on the court's website at <https://www.caeb.uscourts.gov/CertificateOfServiceForm> (visited November 14, 2023). Movants did not employ the Official Form either for the Certificate of Service which accompanied the motion or the one accompanying the OST.

For the above reason, this motion will be DENIED WITHOUT PREJUDICE.