



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, December 5, 2024
Department A – 510 19th street
Bakersfield, California

At this time, when in-person hearings in Bakersfield will resume is to be determined. No persons are permitted to appear in court for the time being. All appearances of parties and attorneys shall be as instructed below.

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) via **ZoomGov Video**, (2) via **ZoomGov Telephone**, and (3) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

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

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

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

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

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

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

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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

9:00 AM

1. [24-12629](#)-A-13 **IN RE: MICHAEL LOPEZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
10-23-2024 [[32](#)]

LILIAN TSANG/MV

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

DISPOSITION: Continued to February 6, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Michael Thomas Lopez ("Debtor") filed a voluntary petition under chapter 13 on September 10, 2024 and a chapter 13 plan ("Plan") on September 23, 2024. Doc. ##1, 19. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtor's meeting of creditors has not been concluded. Doc. #32. Debtor's 341 meeting of creditors has been continued to January 21, 2025 at 11:00 a.m. See court docket entry entered on December 3, 2024.

This objection will be continued to February 6, 2025 at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtor shall file and serve a written response no later than January 23, 2025. 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 Debtor's position. Trustee shall file and serve a reply, if any, by January 30, 2025.

If 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 January 30, 2025. If Debtor does not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

2. [23-12338](#)-A-13 **IN RE: SALINA THOMAS**
[DHC-6](#)

MOTION TO CONFIRM PLAN
10-18-2024 [[96](#)]

SALINA THOMAS/MV
DAVID CHUNG/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.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on October 18, 2024 using a Clerk's Matrix of Creditors that was generated on October 4, 2024. Doc. #100. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

3. [23-12338](#)-A-13 **IN RE: SALINA THOMAS**
[LGT-1](#)

MOTION TO DISMISS CASE
10-18-2024 [\[92\]](#)

LILIAN TSANG/MV
DAVID CHUNG/ATTY. FOR DBT.

NO RULING.

4. [24-10646](#)-A-13 **IN RE: AMANDA LOGAN**
[DWE-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
10-23-2024 [\[25\]](#)

MORTGAGE RESEARCH CENTER, LLC/MV
GREGORY SHANFELD/ATTY. FOR DBT.
DANE EXNOWSKI/ATTY. FOR MV.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). On November 21, 2024, the debtor filed a statement of non-opposition to the motion. Doc. #48. 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 non-responding parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The movant, Mortgage Research Center, LLC dba Veterans United Home Loans, a Missouri Limited Liability Company as Serviced by Nationstar Mortgage LLC

("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) with respect to real property located at 10549 Camille Court, California City, California 93505 ("Property"). Doc. #25.

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has failed to make at least 3 complete pre- and post-petition payments. Movant has produced evidence that the debtor is delinquent by at least \$7,216.82. Decl. of Chastity Wilson, Doc. #27; Ex. E, Doc. #30. Further, in Debtor's non-opposition, Debtor states that Debtor has placed the Property on the market and the Property is in escrow. Doc. #48.

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

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

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because the debtor has failed to make at least 3 payments post-petition to Movant.

5. [24-10646](#)-A-13 **IN RE: AMANDA LOGAN**
[LGT-2](#)

MOTION TO DISMISS CASE
10-18-2024 [\[21\]](#)

LILIAN TSANG/MV
GREGORY SHANFELD/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

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

On October 18, 2024, the chapter 13 trustee ("Trustee") moved to dismiss under 11 U.S.C. § 1307(c)(1) and (c)(6) for unreasonable delay by the debtor based on the debtor's failure to: (1) file a modified plan with notice to creditors; (2) provide requested documents to Trustee; and (3) accurately file required schedules and statements. Doc. #21. The debtor responded on November 21, 2024, stating that the debtor filed a first amended chapter 13 plan to be confirmed and has provided the documents requested and required to resolve the issues raised by Trustee. Doc. #45. On October 25, 2024, the debtor filed and served a motion to confirm the debtor's first modified plan and set that motion for hearing on December 5, 2024. Doc. ##32-37. That motion has been granted by final ruling, matter #6 below.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). It appears that confirmation of the debtor's first modified plan satisfies all outstanding grounds for Trustee's motion to dismiss, so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(1) or (c)(6).

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

6. [24-10646](#)-A-13 **IN RE: AMANDA LOGAN**
[WSL-1](#)

MOTION TO CONFIRM PLAN
10-25-2024 [[32](#)]

AMANDA LOGAN/MV
GREGORY SHANFELD/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(1). The chapter 13 trustee timely opposed this motion but withdrew her opposition on December 3, 2024. Doc. ##40, 50. 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 non-responding 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.

7. [24-12250](#)-A-13 **IN RE: CLINTON CLASSEN**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
9-24-2024 [[12](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.
WITHDRAWN

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

DISPOSITION: Dropped from calendar.

NO ORDER REQUIRED.

Movant withdrew the objection to confirmation of the plan on November 20, 2024.
Doc. #21.

8. [24-12881](#)-A-13 **IN RE: HILDA JIMENEZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
11-7-2024 [[45](#)]

\$79.00 INSTALLMENT FEE PAID 11/7/24

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

DISPOSITION: The order to show cause will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid.

The order permitting the payment of filing fees in installments will be modified to provide that if future installments are not received by the due date, the case will be dismissed without further notice or hearing.

9. [24-12783](#)-A-13 **IN RE: EMANUEL/KAREN DOZIER**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
10-30-2024 [[14](#)]

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to February 6, 2025 at 9:00 a.m.

ORDER: The court will issue an order.

Emanuel V. Dozier and Karen D. Dozier (together, "Debtors") filed a voluntary petition under chapter 13 and a chapter 13 plan ("Plan") on September 26, 2024. Doc. ##1, 3. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtors' meeting of creditors has not been concluded and Debtors

have not provided proof of income from the medical business or business tax returns. Doc. #14. Debtors' 341 meeting of creditors has been continued to January 14, 2025 at 1:00 p.m. See court docket entry entered on December 3, 2024.

This objection will be continued to February 6, 2025 at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than January 23, 2025. 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 Debtors' position. Trustee shall file and serve a reply, if any, by January 30, 2025.

If Debtors elect 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 January 30, 2025. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

10. [24-12384](#)-A-13 **IN RE: CRYSTAL JOHNSON**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-26-2024 [\[13\]](#)

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

1. [24-10200](#)-A-7 **IN RE: DMW INDUSTRIES, INC.**
[LNH-2](#)

MOTION FOR ADMINISTRATIVE EXPENSES
11-7-2024 [[26](#)]

JEFFREY VETTER/MV
D. GARDNER/ATTY. FOR DBT.
LISA HOLDER/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 matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on November 7, 2024 using a Clerk's Matrix of Creditors that was generated on June 12, 2024. Doc. #30. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

2. [24-10200](#)-A-7 **IN RE: DMW INDUSTRIES, INC.**
[LNH-3](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH
BELDEN BLAINE RAYTIS, LLP
11-7-2024 [[31](#)]

JEFFREY VETTER/MV
D. GARDNER/ATTY. FOR DBT.
LISA HOLDER/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 matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on November 7, 2024 using a Clerk's Matrix of Creditors that was generated on June 12, 2024. Doc. #35. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

3. [24-12008](#)-A-7 **IN RE: JESUS/BEATRIZ VALDENEGRO**
[RSW-1](#)

MOTION TO VALUE COLLATERAL OF ADDITION FINANCIAL CU
10-22-2024 [\[20\]](#)

BEATRIZ VALDENEGRO/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

The motion will be DENIED WITHOUT PREJUDICE. The moving papers were not served properly on the lienholder as required by Federal Rules of Bankruptcy Procedure 7004 and 9014. The motion is captioned as a motion to value collateral of Addition Financial CU but, in the body of the motion, the debtor requests the valuation of collateral of Tesla/Solar City. Doc. #20. Further, the declaration states that the debtors purchased the solar panels from Sun Solar, and the exhibits show that debtors entered into a contract with Sunrun, Inc. for the solar panels. Decl. of Jesus Valdenegro, Doc. #22; Ex. B, Doc. #23. Because it is unclear what entity holds the interest in the collateral that is the subject of this motion to value, and neither Sun Solar nor Sunrun, Inc. were served with the motion pursuant to Federal Rule of Bankruptcy Procedure 7004(b)(3), the motion is denied for improper notice.

As a procedural matter, the notice of hearing filed with the motion states both that written opposition was not required as well as that opposition must be filed and served and that failure to file written response may result in the court granting the motion prior to the hearing. Counsel for the moving party needs to distinguish in the notice of hearing whether the motion is being served pursuant to Local Rule of Practice 9014-1(f)(1) or 9014-1(f)(2) and include the applicable opposition requirements for only one of those rules in the notice of hearing.

As an informative matter, the movant incorrectly completed Section 6 of the court's mandatory Certificate of Service form. In Section 6, the declarant marked that service was effectuated by Rule 5 and Rules 7005, 9036 Service. Doc. #24. However, Federal Rule of Bankruptcy Procedure 9014 requires service of a motion to value collateral be made pursuant to Federal Rule of Bankruptcy Procedure 7004. In Section 6, the declarant should have checked the appropriate box under Section 6A, not Section 6B.

4. [24-11626](#)-A-7 **IN RE: MANDIP GREWAL**
[UST-2](#)

MOTION TO DISMISS CASE PURSUANT TO 11 U.S.C. SECTION 707(B)
10-30-2024 [\[47\]](#)

TRACY DAVIS/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
MICHAEL FLETCHER/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

5. [24-11726](#)-A-7 **IN RE: LYDIA SANCHEZ**
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
10-16-2024 [\[15\]](#)

WELLS FARGO BANK, N.A./MV
SUSAN SALEHI/ATTY. FOR DBT.
JENNIFER WONG/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 for relief from the automatic stay on October 30, 2024. Doc. #29.

6. [24-11737](#)-A-7 **IN RE: JERRY/BRENDA FALLOT**
[RSW-1](#)

MOTION TO VALUE COLLATERAL OF ADDITION FINANCIAL CU
10-31-2024 [\[17\]](#)

BRENDA FALLOT/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. 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.

Jerry Lee Fallot and Brenda Jean Fallot (together, "Debtors"), the debtors in this chapter 7 case, move the court for an order valuing Debtors' rooftop solar panels system ("Property"), which is the collateral of Addition Financial CU ("Creditor"). Doc. #17; Decl. of Brenda Fallot, Doc. #19.

11 U.S.C. § 506(a)(1) limits a secured creditor's claim "to the extent of the value of such creditor's interest in the estate's interest in such property . . . and is an unsecured claim to the extent that the value of such creditor's interest . . . is less than the amount of such allowed claim." 11 U.S.C. § 506(a) states that the value of personal property securing an allowed claim shall be determined based on the replacement value of such property as of the petition filing date. "Replacement value" where the personal property is "acquired for personal, family, or household purposes" means "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." 11 U.S.C. § 506(a)(2).

The contract between Debtors and Creditor for the Property was in the amount of \$52,259.00. Fallot Decl., Doc. #19. However, Debtors claim that the Property has never worked due to negligence when installed, and Debtors tried to remedy the issue with Creditor with no resolution. Id. Debtors assert a replacement value of the Property of \$100.00 and ask the court for an order valuing the Property at \$100.00. Id. Debtors are competent to testify as to the value of the Property. Given the absence of contrary evidence, Debtors' opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004).

The motion is GRANTED. Creditor's secured claim will be fixed at \$100.00. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.

7. [24-11956](#)-A-7 **IN RE: STEVEN FOSTER**
[RSW-1](#)

CONTINUED MOTION TO REDEEM
10-4-2024 [\[13\]](#)

STEVEN FOSTER/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. 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.

Steven Scott Foster ("Debtor"), the debtor in this chapter 7 case, moves the court for an order authorizing Debtor to redeem a 2016 Ford Fusion (the "Vehicle"), which is the collateral of Mariner Finance, LLC ("Creditor"), for \$6,000.00 pursuant to 11 U.S.C. § 722. Doc. #13. Creditor has not filed written opposition.

"An individual debtor may, whether or not the debtor has waived the right to redeem under this section, redeem tangible personal property intended primarily for personal, family, or household use, from a lien securing a dischargeable consumer debt, if such property is exempted under section 522 of this title or has been abandoned under section 554 of this title, by paying the holder of such lien the amount of the allowed secured claim of such holder that is secured by such lien in full at the time of redemption." 11 U.S.C. § 722.

Here, the Vehicle is intended primarily for personal, family, or household use. Debtor's supplemental declaration states that the Vehicle was purchased for Debtor's everyday use and Debtor has no other use for the Vehicle. Supp. Decl. of Steven Foster, Doc. #23. Moreover, the Vehicle secures "a dischargeable consumer debt[.]" Id.

Debtor asserts the Vehicle has a replacement value of \$6,000.00 as of the petition filing date. Decl. of Steven Foster, Doc. #15; Schedule A/B, Doc. #1. Debtor states the low value of the Vehicle is due to a car accident the Vehicle was in on November 8, 2019, which resulted in \$3,429.40 in repair costs. Foster Decl., Doc. #15. Given the absence of contrary evidence, Debtor's opinion of value may be conclusive. Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004). Debtor claimed an exemption of \$7,500.00 in the Vehicle under California Code of Civil Procedure § 703.140. Schedule C, Doc. #1.

Accordingly, the motion is GRANTED pursuant to 11 U.S.C. § 722. Debtor is allowed to redeem the Vehicle by paying \$6,000.00 to Creditor. The total amount of \$6,000.00 is to be paid in full at the time of redemption.

8. [24-12084-A-7](#) **IN RE: JANETTE MAPANAO**
[JCW-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
10-11-2024 [[21](#)]

CENLAR FSB/MV
STEPHEN LABIAK/ATTY. FOR DBT.
JENNIFER WONG/ATTY. FOR MV.
DISCHARGED 11/19/24

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

DISPOSITION: Granted in part and denied as moot in part.

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

This motion was set for hearing on at least 28 days' notice prior to the hearing date as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. 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 movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

The motion will be GRANTED IN PART as to the trustee's interest and DENIED AS MOOT IN PART as to the debtor's interest pursuant to 11 U.S.C. § 362(c)(2)(C). The debtor's discharge was entered on November 19, 2024. Doc. #35. The motion will be GRANTED IN PART for cause shown as to the chapter 7 trustee.

The movant, Cenlar FSB as servicer for United Wholesale Mortgage, LLC ("Movant"), seeks relief from the automatic stay under 11 U.S.C. § 362(d)(1) and (d)(2) with respect to a piece of real property located at 11219 Vista Ridge Dr, Bakersfield, CA 93311 ("Property"). Doc. #21.

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

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

After review of the included evidence, the court finds that "cause" exists to lift the stay because the debtor has been in default to Movant since February 1, 2024. Decl. of Alex D. Crossman. Doc. #23.

The court also finds that the debtor does not have any equity in the Property and the Property is not necessary to an effective reorganization because the debtor is in chapter 7. The debtor has scheduled the value of the Property at \$485,000.00. Schedule A/B, Doc. #1. The amount owed to Movant is \$245,121.48, and there is a junior lien of \$252,000.00. Schedule D, Doc. #1; Crossman Decl., Doc. #23. The debtor's statement of intention indicates that the debtor intends to surrender the Property. Doc. #1.

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

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

The 14-day stay of Fed. R. Bankr. P. 4001(a)(3) will be ordered waived because the debtor intends to surrender the Property.

1. [20-10945](#)-A-12 **IN RE: AJITPAL SINGH AND JATINDERJEET SIHOTA**
[YW-4](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF YOUNG WOOLDRIDGE FOR
LEONARD K. WELSH, DEBTORS ATTORNEY(S)
11-7-2024 [\[411\]](#)

LEONARD WELSH/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

The Law Offices of Young Wooldridge ("Movant"), successor counsel for Ajitpal Singh and Jatinderjeet Kaur Sihota (collectively, "Debtors"), the debtors in this chapter 12 case, requests allowance of compensation in the amount of \$4,840.00 and reimbursement for expenses in the amount of \$76.60 for services rendered from July 1, 2024 through October 31, 2024, pursuant to 11 U.S.C. § 330. Doc. #411. Debtors have no objection to the fees and expenses requested by Movant. Decl. of Jatinderjeet Kaur Sihota, Doc. #413. Movant requests fees and expenses to be paid by Debtors from wages earned by Debtors and income generated from the operation of their business. Doc. #411; Sihota Decl., Doc. #413; Decl. of Leonard K. Welsh, Doc. #415. This is Movant's second fee application in this case. The court has previously approved a total of \$7,763.36 in interim fees and expenses, of which \$7,763.36 have been paid to Movant. Doc. #406. The court substituted Movant as the attorney of record after former attorney of record Leonard K. Welsh closed his law offices and joined Movant in an "of counsel" capacity. Doc. #377.

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 12 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 12 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) corresponding with the chapter 12 trustee and creditors; (2) preparing and filing fee application; and (3) general case administration. Ex. B, Doc. #414. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on an interim basis.

Accordingly, subject to opposition being raised at the hearing, this motion will be GRANTED. The court will allow on an interim basis compensation in the amount of \$4,840.00 and reimbursement for expenses in the amount of \$76.60 to be paid in a manner consistent with the terms of the confirmed plan. Movant may draw on any trust account held.

2. [20-10569](#)-A-12 **IN RE: BHAJAN SINGH AND BALVINDER KAUR**
[YW-4](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF YOUNG WOOLDRIDGE FOR
LEONARD K. WELSH, DEBTORS ATTORNEY(S)
11-7-2024 [\[684\]](#)

LEONARD WELSH/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

The Law Offices of Young Wooldridge ("Movant"), successor counsel for Bhajan Singh and Balvinder Kaur (collectively, "Debtors"), the debtors in this chapter 12 case, requests allowance of compensation in the amount of \$3,445.00 and reimbursement for expenses in the amount of \$96.16 for services rendered from July 1, 2024 through October 31, 2024, pursuant to 11 U.S.C. § 330. Doc. #684. Debtors have no objection to the fees and expenses requested by Movant. Decl. of Bhajan Singh, Doc. #687. Movant requests fees and expenses to be paid by Debtors from wages earned by Debtors and income generated from the operation of their business. Doc. #684; Singh Decl., Doc. #687; Decl. of Leonard K. Welsh, Doc. #686. This is Movant's second fee application in this case. The court has previously approved a total of \$8,258.12 in interim fees and expenses, of which \$8,258.12 have been paid to Movant. Doc. #679. The court substituted Movant as the attorney of record after former attorney of record

Leonard K. Welsh closed his law offices and joined Movant in an "of counsel" capacity. Doc. #648.

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 12 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 12 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) corresponding with the chapter 12 trustee and creditors; (2) preparing and filing fee application; and (3) general case administration. Ex. B, Doc. #688. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion on an interim basis.

Accordingly, subject to opposition being raised at the hearing, this motion will be GRANTED. The court will allow on an interim basis compensation in the amount of \$3,445.00 and reimbursement for expenses in the amount of \$96.16 to be paid in a manner consistent with the terms of the confirmed plan. Movant may draw on any trust account held.

3. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[CAE-1](#)

STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
10-2-2024 [[1](#)]

RILEY WALTER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to February 6, 2025 at 10:30 a.m.

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

Based on the status of the case and the First Status Conference Statement filed on November 5, 2024 (Doc. #51), the court intends to continue this status conference to February 6, 2025 at 10:30 a.m. The court will require the debtor to file and serve a further status report on or before January 30, 2025.

4. [24-12295](#)-A-11 **IN RE: BURT ELECTRIC & COMMUNICATIONS, INC.**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
8-9-2024 [[1](#)]

LEONARD WELSH/ATTY. FOR DBT.

NO RULING.

MOTION TO CONFIRM CHAPTER 11 PLAN
10-23-2024 [\[88\]](#)

BURT ELECTRIC & COMMUNICATIONS, INC./MV
LEONARD WELSH/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted; plan confirmed pursuant to 11 U.S.C. § 1191(b).

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.

Burt Electric & Communications, Inc. ("Debtor"), the debtor and debtor in possession in this Subchapter V Chapter 11 case, moves the court for confirmation of Debtor's Plan of Reorganization Dated October 23, 2024, as modified by (i) Amended Exhibit C to Debtor's Plan of Reorganization Dated October 23, 2024 filed on October 30, 2024, and (ii) Modification of Debtor's Plan of Reorganization Dated October 23, 2024 Before Confirmation filed on November 15, 2024 (collectively, the "Plan"). Doc. #90, 97, 109. The hearing to confirm the Plan was set by order of the court filed on October 25, 2024 ("Order"). Doc. #95. In the Order, the court ordered transmission of the Plan, Order, ballots, and notice of the confirmation hearing by October 25, 2024; acceptances or rejections of the Plan, and objections to confirmation by November 21, 2024; and responses to objections, tabulation of ballots, and brief by November 28, 2024. Doc. #95. No objections to confirmation of the Plan have been filed. The Subchapter V trustee supports confirmation of the Plan pursuant to 11 U.S.C. § 1191(b). Doc. #119.

While Debtor properly served the Plan, ballots, notice of the confirmation hearing and related documents, there is no certificate of service filed showing that the conformed Order was served on all parties in interest. Doc. #94, 98, 110, 112. The court is inclined to waive this defect in service because all impaired classes entitled to vote on the Plan have submitted ballots, so it does not appear that the failure of Debtor to serve a conformed copy of the Order prevented due process.

The court finds that the Plan meets the requirements of 11 U.S.C. § 1190. Specifically, the Plan includes a brief history of Debtor's business operations, a liquidation analysis, and projections with respect to the ability of Debtor to make payments under the proposed Plan as required by § 1190(1). The Plan provides for the submission of all or such portion of Debtor's future earnings or other future income to the supervision and control of the Subchapter V Trustee as is necessary for the execution of the Plan as required by § 1190(2). The court finds § 1190(3) does not apply to the Plan.

Section 1191 of the Bankruptcy Code governs plan confirmation in Subchapter V. Here, § 1129(a)(8) has not been satisfied because Class Ten, consisting of non-priority general unsecured claims, are to receive no payments under the Plan and are deemed to have rejected the Plan pursuant to 11 U.S.C. § 1126(g). Doc. #90. Thus, the Plan must be confirmed under § 1191(b).

In the Plan, Debtor requests confirmation on a non-consensual basis under § 1191(b). 11 U.S.C. § 1191(b) provides in relevant part:

[I]f all of the applicable requirements of section 1129(a) of this title, other than paragraphs (8), (10), and (15) of that section, are met with respect to a plan, the court, on request of the debtor, shall confirm the plan notwithstanding the requirements of such paragraphs if the plan does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the plan.

11 U.S.C. § 1191(b). For a plan to be fair and equitable with respect to a class of unsecured creditors that is impaired and that has not accepted the Plan, the Plan must meet the requirements of § 1191(c)(2) and § 1191(c)(3). 11 U.S.C. § 1191(b), (c)(2)-(3).

With respect to § 1129(a)(1), the Plan complies with the applicable provisions of Chapter 11 and meets the applicable mandatory provisions of 11 U.S.C. § 1123(a). The provisions of § 1123(a)(6) of the Bankruptcy Code, which relate to the issuance of securities pursuant to a reorganization plan, are not applicable in this case. The provisions of § 1123(a)(8) do not apply in a Subchapter V case. 11 U.S.C. § 1181. The Plan:

- (1) Designates classes of claims other than claims of a kind specified in Bankruptcy Code sections 507(a)(2), 507(a)(3), or 507(a)(8) as required by § 1123(a)(1). The claims are Class One (administrative expense and priority claims); Classes Two and Three (secured claims of Citizen Business Bank); Class Four (secured claim of Kapitus Servicing, Inc.); Classes Five through Nine (secured claims of Ford Motor Credit Company); Class Ten (non-priority general unsecured claims); Class Eleven (executory contract and unexpired lease claims); Class Twelve (interests of Debtor); and Class Thirteen (interests of Debtor's shareholders).
- (2) Specifies the classes that are not impaired under the Plan (Classes Five through Nine and Classes Eleven and Twelve) as required by § 1123(a)(2).
- (3) Specifies the treatment of any class of claims or class of interest which is impaired under the Plan (Classes One through Four, Class Ten, and Class Thirteen) as required by § 1123(a)(3).
- (4) Provides for the same treatment for each claim or interest of a particular class as required by § 1123(a)(4).
- (5) Provides adequate means for the implementation and execution of the Plan as required by § 1123(a)(5).
- (6) Contains no provisions inconsistent with the interests of creditors and equity security holders and public policy with respect to the manner of selection of any officer, director, or trustee under the Plan and any successor to such officer, director, or trustee as required by § 1123(a)(7).
- (7) Provides for the assumption or rejection of all executory contracts and unexpired leases existing as of the petition date in accordance with Debtor's sound business judgment as required by § 1123(b)(2).

Debtor, as proponent of the Plan, provided adequate disclosure regarding the Plan to all creditors and interest holders in good faith and has complied with the applicable provisions of Chapter 11 as required by § 1129(a)(2).

The Plan has been proposed in good faith and not by any means forbidden by law as required by § 1129(a) (3).

Pursuant to § 1129(a) (4), the Plan provides that payments made or to be made to Debtor's attorneys and other professionals in connection with the case or the Plan are subject to approval of the court.

The Plan provides that Debtor will be responsible for implementation of the Plan through Debtor's existing management, Chief Executive Officer and Chief Financial Officer Paul Burt and Board of Directors Paul and Nina Burt. The order confirming the Plan shall provide that the Subchapter V Trustee will continue to serve until all plan payments are made, which is consistent with interests of creditors and equity security holders and with public policy as required by § 1129(a) (5).

Section 1129(a) (6) is inapplicable and no changes in regulatory rates are provided for in the Plan.

Pursuant to § 1129(a) (7), each holder of a claim or interest in an impaired class has either accepted the Plan or will receive an amount equal to or greater than the amount such holder of a claim or interest would receive in a Chapter 7 case. No member of Class One returned a ballot. Debtor contends that there are no Class One claims and if there are, such claims will be paid as required by the Bankruptcy Code, so any holders of Class One claims will receive equal to or greater than priority claimants would receive in a Chapter 7 case. Plan, § 5.01, Doc. #90. Class Ten is deemed to have rejected the Plan pursuant to 11 U.S.C. § 1126(g) because holders of claims in Class Ten will receive no payment under the Plan. Plan, § 7.01, Doc. #90. Class Ten also would receive no distribution in a Chapter 7 case, so holders of Class Ten claims will receive under the Plan an amount equal to the amount such holder of a claim or interest would receive in a Chapter 7 case. Ex. A, Doc. #92.

Section 1129(a) (8) has not been satisfied because Class One has not voted affirmatively to accept the Plan and Class Ten is deemed to have rejected the Plan pursuant to 11 U.S.C. § 1126(g). Bell Road Inv. Co. v. M Long Arabians (In re M Long Arabians), 103 B.R. 211, 215-16 (B.A.P. 9th Cir. 1989) (holding that when no creditors within a class vote to accept a plan, that class is deemed to have rejected the plan). Nevertheless, section 1129(a) (8) need not be satisfied if the Subchapter V plan is confirmed, as here, under § 1191(b).

Pursuant to § 1129(a) (9), the Plan provides for treatment of claims under 11 U.S.C. §§ 507(a) (1), 507(a) (3), 507(a) (4), 507(a) (5), 507(a) (6), 507(a) (7) and 507(a) (8), to the extent there are any, in a manner consistent with 11 U.S.C. § 1129(a) (9). Plan, § 5.01, Doc. #90.

Section 1129(a) (10) need not be satisfied if the Subchapter V plan is confirmed, as here, under § 1191(b).

Regarding § 1129(a) (11), the Plan provides that Debtor will pay the monthly plan payment amounts for 36 months. Plan, Doc. #90; Ex. B, Doc. #92. The court finds, based on the evidence submitted by Debtor, that the Plan is feasible and confirmation of the Plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of Debtor or any successor to Debtor under the Plan.

Section 1129(a) (12) has been satisfied because all fees due under 28 U.S.C. § 1930 have been paid.

Sections 1129(a) (13)-(16) are not applicable to this case.

For confirmation pursuant to 11 U.S.C. § 1191(b), because Classes One and Ten consist of members holding general unsecured claims, the Plan must comply with § 1191(c)(2) and (c)(3). Section 1191(c)(2) requires that all projected disposable income received in the three years of the Plan be applied to make payments under the Plan or that the value of the property to be distributed under the Plan is greater than the projected disposable income of Debtor during the three-year period of the Plan. While "projected disposable income" is not defined in the Bankruptcy Code, § 1191(d) provides that, for purposes of § 1191, "the term 'disposable income' means the income that is received by the debtor and that is not reasonably necessary to be expended . . . for the payment of expenditures necessary for the continuation, preservation or operation of the business of the debtor." 11 U.S.C. § 1191(d)(2).

Based on the Plan projections, all of the projected disposable income Debtor will receive during the three-year term of the Plan is being applied to make payments under the Plan as is required under 11 U.S.C. § 1191(c)(2)(A). Ex. B, Doc. #92.

Section 1191(c)(3) requires that either Debtor will be able to make all payments under the Plan or there is a reasonable likelihood that Debtor will be able to make all payments under the Plan and the Plan provides appropriate remedies in the event Plan payments are not made.

With respect to § 1191(c)(3)(A), payments under the Plan are to be made from future income of Debtor. Plan, § 11.01, Doc. #90; Ex. B, Doc. #92. Debtor owns and operates an electrical contracting business. Decl. of Paul Burt at ¶ 2, Doc. #91. Based on Debtor's filed monthly operating reports, the net income during Debtor's Chapter 11 case aggregates \$53,708.98 while the projected net income based on Debtor's cash collateral budget for the same time period was \$4,309.00. Ex. C, Doc. #92; monthly operating reports for August through October 2024, Doc. ##76, 86, 107. Accordingly, the court finds Debtor will be able to make all payments under the Plan, so the Plan satisfies § 1191(c)(3)(A).

With respect to § 1191(c)(3)(B), because the Plan satisfies § 1191(c)(3)(A), the Plan does not need to provide any remedies to protect the holders of claims or interests in the event payments due under the Plan are not made. Thus, § 1191(c)(3)(B) does not need to be satisfied.

Accordingly, confirmation of the Plan is proper under 11 U.S.C. § 1191(b), and the Plan will be confirmed under that provision.

6. [24-12295](#)-A-11 **IN RE: BURT ELECTRIC & COMMUNICATIONS, INC.**
[YW-5](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF YOUNG WOOLDRIDGE FOR
LEONARD K. WELSH, DEBTORS ATTORNEY(S)
11-7-2024 [[101](#)]

LEONARD WELSH/ATTY. FOR DBT.

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

DISPOSITION: Granted.

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

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

The Law Offices of Young Wooldridge ("Movant"), counsel for the debtor and debtor in possession Burt Electric & Communications, Inc. ("DIP"), requests allowance of interim compensation in the amount of \$22,385.00 and reimbursement for expenses in the amount of \$769.60 for services rendered from August 9, 2024 through October 31, 2024. Doc. #101. Debtor has no objection to the fees and expenses requested by Movant. Decl. of Paul Burt, Doc. #103. This is Movant's first fee application in this case.

Section 330(a)(1) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a professional person. 11 U.S.C. § 330(a)(1). According to the order authorizing employment of Movant, Movant may submit monthly applications for interim compensation pursuant to 11 U.S.C. § 331. Order, Doc. #61. In determining the amount of reasonable compensation to be awarded to counsel, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3).

Movant's services included, without limitation: (1) providing general case administration; (2) responding to inquiries about the sale of DIP's assets; (3) preparing for and attending meeting of creditors; (4) preparing and filing motion for order authorizing DIP to use cash collateral and provide adequate protection; (5) prosecuting a motion to value to determine the amount of secured claims; (6) preparing and prosecuting confirmation of DIP's Plan of Reorganization; (7) preparing various documents requested by the United States Trustee; (8) corresponding with various parties by email; and (9) preparing and filing fee and employment applications. Decl. of Leonard K. Welsh, Doc. #104; Ex. B, Doc. #105. The court finds the compensation and reimbursement sought by Movant to be reasonable, actual, and necessary.

This motion is GRANTED. The court allows interim compensation in the amount of \$22,385.00 and reimbursement of expenses in the amount of \$769.60. Movant is allowed interim fees and costs pursuant to 11 U.S.C. § 331, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure. Movant may draw on any retainer held. DIP is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

11:00 AM

1. [23-12471](#)-A-7 **IN RE: LIEN QUACH**
[24-1018](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
7-2-2024 [[1](#)]

QUACH V. NELNET, INC. ET AL
D. GARDNER/ATTY. FOR PL.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Continue to January 9, 2025 at 11:00 a.m.

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

Pursuant to the plaintiff's status conference statement (Doc. #16), the court intends to continue this status conference to January 9, 2025 at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than January 2, 2025.

2. [24-12873](#)-A-11 **IN RE: GRIFFIN RESOURCES, LLC**
[WJH-4](#)

MOTION FOR ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION
11-22-2024 [[58](#)]

GRIFFIN RESOURCES, LLC/MV
RILEY WALTER/ATTY. FOR DBT.
TRO 11/25/24

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

DISPOSITION: Continued to December 19, 2024 at 11:00 a.m.

NO ORDER REQUIRED.

On December 3, 2024, the court issued an order continuing the preliminary injunction hearing to December 19, 2024 at 11:00 a.m. Doc. #81.

11:30 AM

1. [24-12756](#)-A-7 **IN RE: IVAN MEDINA**

PRO SE REAFFIRMATION AGREEMENT WITH CAPITAL ONE AUTO FINANCE
11-8-2024 [[23](#)]

NO RULING.