



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

**HONORABLE RENÉ LASTRETO II
Department B – 510 19th Street
Bakersfield, California**

Hearing Date: Wednesday, December 6, 2023

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 hearings before Judge Lastreto are simultaneously: (1) via **ZOOMGOV VIDEO**, (2) via **ZOOMGOV TELEPHONE**, and (3) via **COURTCALL**. You may choose any of these options unless otherwise ordered.

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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

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

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

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

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

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.

9:00 AM

1. [23-11502](#)-B-13 **IN RE: ERIN STEVENSON**
[MJD-2](#)

MOTION TO CONFIRM PLAN
11-1-2023 [[43](#)]

ERIN STEVENSON/MV
MATTHEW DECAMINADA/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.

Erin David Stevenson ("Debtor") seeks an order confirming the *Amended Chapter 13 Plan* dated November 1, 2023. Doc. #47. No plan has been confirmed so far. The 60-month plan proposes the following terms:

1. Debtor's aggregate payment through October 2023 was \$6,600.00. Debtor's payments beginning in November 2023 and for the lifetime of the plan will be \$2,335.00 per month.
2. Outstanding Attorney's fees in the amount of \$2,000.00 to be paid through the plan.
3. Secured creditors to be sorted into appropriate Classes and paid as follows:
 - a. Karpe Real Estate Center (Class 1) to be paid a dividend of \$1,621.75 per month in post-petition mortgage payments and \$313.00 per month in arrearage (an increase from the \$225.00 arrearage dividend called for under the original plan).
4. The student loan debts owed by Debtor's non-filing spouse have been excluded from both Schedule F and the Plan, as the spouse's loans are in deferment due to the spouse's disability.
5. The dividend to unsecured creditors will increase to 53.61%.

Doc. #47.

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 so the defaults of the parties listed above 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. [23-10907](#)-B-13 **IN RE: LAURA MIRANDA**
[MHM-1](#)

MOTION TO DISMISS CASE
10-23-2023 [\[45\]](#)

MICHAEL MEYER/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Denied as moot.

On November 30, 2023, Laura Elena Miranda ("Debtor") filed a *Notice of Conversion to Case Pursuant to §1307(a) Under Chapter 7*. Doc. #49. Accordingly, the instant *Motion to Dismiss* is DENIED AS MOOT.

3. [23-12111](#)-B-13 **IN RE: MARY HELEN BARRO**
[MHM-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H. MEYER
11-1-2023 [\[14\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to January 3, 2024, at 9:00 a.m.

ORDER: The court will issue an order.

Chapter 13 trustee Michael H. Meyer ("Trustee") objects to confirmation of the *Chapter 13 Plan* filed by Mary Helen Barro ("Debtor") on September 21, 2023, under 11 U.S.C. § 1325(a)(6) and (a)(9) on the following basis:

Schedule I lists net business income of \$245.05. Debtor testified at the 341 meeting of creditors, on October 31, 2023, that she has not operated the business since before COVID and she does not plan to operate the business going forward. Schedule I should be amended to remove the business income. Schedule I lists boarder income of \$1,600.00 per month. According to the rental lease provided to the Trustee, Debtor's receives rental income of \$1,100.00 per month.

...

According to the Internal Revenue Service proof of claim (Claim No. 2), Debtor has not filed tax returns for 2020, 2021, and 2022. The tax returns need to be filed and copies of the returns provided to the Trustee/

Doc. #14.

Debtor filed a response on November 22, 2023 (Doc. #21). The response has no very little evidentiary support. Debtor's counsel states that Debtor's identity was stolen resulting in limited access to her bank accounts and precluded her from filing tax returns. There is no explanation in the declaration why the identity theft would result in failure to file three years of tax returns. The court notes the Trustee has also filed a motion to dismiss (MHM-2)- item #4 below.

This objection will be CONTINUED to January 3, 2024, at 9:00 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or the Trustee's objection to confirmation is withdrawn, the Debtors shall file and serve a written response to the objection with proper evidence not later than **14 days before the hearing**. The response shall specifically address each issue raised in Trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support the Debtors' position. Trustee shall file and serve a reply, if any, by **7 days before the hearing**.

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

4. [23-12111](#)-B-13 **IN RE: MARY HELEN BARRO**
[MHM-2](#)

MOTION TO DISMISS CASE
11-2-2023 [\[17\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Grant.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after hearing.

Chapter 13 trustee Michael H. Meyer ("Trustee") asks the court to dismiss the Chapter 13 case of Mary Helen Barro ("Debtor") for cause pursuant to § 1307 of the Bankruptcy Code. Doc. #17. The basis for the Trustee's motion is as follows:

1. Unreasonable delay by the debtor that is prejudicial to creditors. [11 U.S.C. § 1307(C)(1)].
2. Failure to provide the Trustee with all pages of the debtor's most recent federal tax returns [11 U.S.C. § 521(e)].
3. Failure to file tax returns for years 2020, 2021, and 2022 and provide copies of same to the Trustee. [11 U.S.C. §1307(e) and § 1308(a)].

The motion avers that Debtor's Schedules A/B and D show that Debtor's significant assets, vehicles, and real property are encumbered and that the remaining assets are exempt. Doc. #17. Accordingly, Trustee submits that dismissal rather than conversion is in the best interests of creditors and the estate. *Id.*

On November 22, 2023, Debtor's attorney responded, arguing that Debtor was not required to file the missing tax returns due to low income. Doc. #24. Paradoxically, the Response also says that Debtor will not be certain if she is required to file returns for the last four years until the returns are prepared. *Id.* Finally, Debtor avers in both the response and her Declaration that the delay in filing her recent tax returns was due to her having been the victim of identity theft. Docs. ##24, 25. As such, she requests a continuance to allow her time to file the missing returns "if necessary." *Id.*

This matter will be called and proceed as scheduled. The court is inclined to GRANT the motion.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the Debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the

hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest (other than Debtor) are entered. 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).

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by the debtor that is prejudicial to creditors and failure to commence making plan payments.

The record shows that there has been unreasonable delay by the debtor that is prejudicial to creditors arising from her failure to timely provide the documents necessary for the Trustee to administer the case. While the court is sympathetic to Debtor's assertions about having been a victim of identity theft, the record is devoid of any evidence about what steps Debtor has taken to correct the issue and to file the tax returns or even what steps she plans to take in the future to address the issue. Even if Debtor's identity was stolen, that in isolation is not sufficient grounds to freeze the case indefinitely, especially since the § 341 meeting of creditors was concluded on October 31, 2023. Finally, no evidence has been presented suggesting that Debtor will suffer an irreparable harm if the case is dismissed.

Section 1307(e) does not, by its terms, leave the court with any discretion other than to dismiss or convert the case if the tax returns are not filed as required by §1308. See, *U.S. v. Cushing (In re Cushing)*, 401 B.R. 528, 538 (B.A.P. 1st Cir. 2009). The Trustee here unambiguously concluded the meeting on October 31, 2023. The tax returns have not been filed. Dismissal or conversion is warranted under §1307(e).

Trustee has reviewed the schedules and determined that Debtor's significant assets—vehicles and real property—are either fully encumbered or are exempted. Since there is no equity that could be realized for the benefit of the estate, dismissal, rather than conversion, best serves the interests of creditors and the estate.

This matter will be called and proceed as scheduled Unless the Trustee withdraws the instant motion, this motion to dismiss may be GRANTED, and the case dismissed.

5. [23-12012](#)-B-13 **IN RE: RUBEN/MARISELA PRUNEDA**
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
10-18-2023 [\[12\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.
MOTION WITHDRAWN,

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

DISPOSITION: Withdrawn.

On November 13, 2023, Trustee Michael H. Meyer withdrew this *Objection to Confirmation*. Doc. #22. Accordingly, this matter is WITHDRAWN.

6. [23-12220](#)-B-13 **IN RE: MARCUS BANGLOY**
[MHM-1](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
10-23-2023 [\[19\]](#)

MICHAEL MEYER/MV
SUSAN SALEHI/ATTY. FOR DBT.

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

DISPOSITION: Overruled as moot.

ORDER: The court will enter the order.

On October 19, 2023, Michael H. Meyer ("Trustee") filed this *Objection to Debtor's Claim of Exemptions* based on Debtor's purported exemption of a \$9,000.00 401(k) account which, Trustee asserts, is not authorized under California law. Doc. #19.

On October 23, 2023, Marcus Bangloy ("Debtor") filed an *Amended Schedule C* which removed the exemption on the 401(k) account. Accordingly, the instant *Objection* will be OVERRULED as moot.

7. [23-12220](#)-B-13 **IN RE: MARCUS BANGLOY**
[MHM-2](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE MICHAEL H.
MEYER
11-15-2023 [\[28\]](#)

SUSAN SALEHI/ATTY. FOR DBT.

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

DISPOSITION: Withdrawn by Trustee.

No order required.

On December 4, 2023, Michael H. Meyer ("Trustee") withdrew his
Objection to Confirmation. Accordingly, this Objection is WITHDRAWN.

8. [22-11231](#)-B-13 **IN RE: CARLOS MORENO**
[MHM-2](#)

MOTION TO DISMISS CASE
11-3-2023 [\[38\]](#)

ROBERT WILLIAMS/ATTY. FOR DBT.

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

DISPOSITION: Continued to January 3, 2024, at 9:00 a.m.

ORDER: The court will issue an order.

On November 3, 2023, Michael H. Meyer ("Trustee") filed this *Motion to Dismiss Case* for failure to make plan payments. Doc. #38. *Opposition*. Doc. #54. On November 22, 2023, Carlos Alberto Moreno ("Debtor") filed his *First Modified Plan* which proposes to cure the deficiency by, *inter alia*, increasing Debtor's payments from \$4,000.00 to \$4,340.00 beginning in December 2023. Doc. #46. The *First Amended Plan* was accompanied by a motion to confirm same which is set for hearing on January 3, 2024. Docs. ##42, 43.

Accordingly, the instant motion to dismiss is CONTINUED to January 3, 2024, at 9:00 a.m. to be heard in conjunction with Debtor's *Motion to Confirm First Amended Plan*.

9. [22-12054](#)-B-13 **IN RE: ALEXANDER GUZZARDO**
[PK-3](#)

MOTION FOR COMPENSATION FOR PATRICK KAVANAGH, DEBTORS
ATTORNEY(S)
11-8-2023 [\[45\]](#)

PATRICK KAVANAGH/ATTY. FOR DBT.

After posting the original pre-hearing dispositions, the court has modified its intended ruling on this matter.

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.

Patrick Kavanagh ("Applicant"), attorney for Alexander Guzzardo ("Debtor"), requests interim compensation in the sum of \$6,000.00 under 11 U.S.C. § 331, subject to final review pursuant to § 330. Doc. #45. This amount consists of \$6030.00 in fees and an unknown amount of expenses, but Applicant waives compensation in excess of \$6,000.00. *Id.* This application purports to cover the period from "November 15, 2023 [sic] to November 6, 2023," a temporal impossibility. *Id.* The exhibits accompanying the application, however, include billing records that commence on November 15, 2022 (Doc. #47), and the court attributes the November 15, 2023, date as a scrivener's error. The application includes a brief statement executed by Debtor dated November 7, 2023, and indicating that Debtor has reviewed the application and has no objections. Doc. #45, §7.

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 December 1, 2022, confirmed January 24, 2023, indicates that Applicant was paid \$832.00 prior to filing the case and, subject to court approval, additional fees of \$5,172.00 would be paid through the plan upon court approval by filing and serving a motion in accordance with 11 U.S.C. §§ 329 and 330, and Rules 2002, 2016-17. Docs. #3, 38. This is Applicant's first fee application. Doc. #45.

The court notes a slight mathematical error in the applicant's calculations. Based on the confirmed Plan, counsel was paid \$832.00 prepetition and is to be paid \$5172.00 under the Plan. The sum of these two addends is \$6004.00. However, the *Disclosure of Compensation* which accompanied the petition says that counsel received only \$828.00 in prepetition fees. The court assumes that the figure in the disclosure statement is correct and the \$832.00 listed in the plan and this application was a mistake. This error will be overlooked because it is *de minimis* and counsel is waiving anything over \$6,000.00.

Applicant's firm provided 18.80 billable hours at the following rates, totaling **\$6,030.00** in fees:

Professional	Rate	Billed	Total
Patrick Kavanagh	\$300.00	20.5	\$6,030.00
			Limited to \$6,000.00
Total Hours & Fees		20.5	\$6,000.00

Doc. ##45, 47. Applicant waives all expenses. *Id.* Thus, the only compensation at issue is a \$6,000.00 request for attorney's fees.

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: (a) prepetition consultation and fact gather, (b) preparation of the petition, schedules and Form 22C, (c) amendments to petitions and/or schedules, (d) drafting the original plan and resolving objections to same, (e) preparation for and attendance at the § 341 meeting of creditors, (f) resolving issues with claims, (g) resolving motions to dismiss, (h) motions and contested matter, and (i) fee applications.

Doc. ## 45, 47. The court finds these services and expenses reasonable, actual, and necessary.

Accordingly, this motion will be GRANTED. Applicant shall be awarded \$6,000.00 in fees as reasonable compensation for services rendered with no award for expenses. Applicant avers that he received \$828.00 (according to the disclosure statement) from Debtor prepetition, with \$5,172.00 to be paid through the plan. The chapter 13 trustee will be authorized to pay Applicant \$5,172.00 for services performed and expenses incurred from November 15, 2022, to November 6, 2023, subject to final approval by the court.

10. [23-12066](#)-B-13 **IN RE: DONALD/JOY RICKETTS**
[MHM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE
MICHAEL H. MEYER
10-18-2023 [\[24\]](#)

D. GARDNER/ATTY. FOR DBT.

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

DISPOSITION: Withdrawn by Trustee

No order necessary.

On November 29, 2023, Trustee Michael H. Meyer withdrew the *Objection to Confirmation of Debtor's Chapter 13 Plan*. Accordingly, this Objection is WITHDRAWN.

11. [23-12066](#)-B-13 **IN RE: DONALD/JOY RICKETTS**
[MHM-2](#)

OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
10-25-2023 [\[28\]](#)

MICHAEL MEYER/MV
D. GARDNER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Sustained.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Objecting Party shall submit a proposed order after hearing.

Chapter 13 Trustee Michael H. Meyer ("Trustee") objects to the Debtors' claim of exemption for their mobile home located at 4500 Camelot Place, Bakersfield, California ("the Property"). Doc. #28. Debtors timely filed an *Opposition*. Doc. #40.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of any party in interest, including but not limited to the creditors, the Debtor, the U.S. Trustee, to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest (other than Debtor) are entered. 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).

Here, only the Debtors filed a written response, and the defaults of all other parties are entered. This matter will be called and proceed as scheduled. For the reasons outlined below, the court is inclined to GRANT the motion.

BACKGROUND

The Debtors are Donald and Joy Ricketts ("Mr. Ricketts," "Mrs. Ricketts," or collectively "Debtors"). On July 13, 2011, a criminal case alleging multiple counts of felony child abuse was filed against Mr. Ricketts. Doc. #32. On February 29, 2012, the Debtors filed a Chapter 7 bankruptcy ("the 2012 case") for which they received discharge on June 4, 2012. *See Doc. ## 1, 27 in Case No. 12-11766*. On September 11, 2013, Mr. Ricketts pled nolo contendere to a felony violation of California Penal Code § 288(A) ("lewd or lascivious acts with a child under the age of 14") for which he was sentenced to three years in prison. Doc. #33 (*Exhibit A*). Mr. Ricketts has served his sentence.

On November 30, 2020, "C.F.," an individual whose accusations against Mr. Ricketts for child molestation in part led to his arrest and incarceration, filed a civil lawsuit ("the Civil Action") in the Kern County Superior Court against Mr. Ricketts and others for damages arising from the abuse. See *Doc. 20, Exhibit C*. The instant Chapter 13 case was filed on September 18, 2023, thirty-five days before a trial in the Civil Action was set to commence and two days before Mr. Ricketts' deposition was scheduled (after it had been continued from its original date set three days before the filing of the petition).

The § 341 meeting was conducted on October 17, 2023, and the Trustee filed this *Objection* on October 25, 2023. Doc. #27. The Civil Action is ongoing, but Mr. Ricketts' bankruptcy counsel advises that a default has been entered against him and that he cannot afford an attorney to litigate the Civil Action. Doc. #41.

LEGAL DISCUSSION

The Trustee specifically objects to the amount of Debtors' exemption in the Property in the amount of \$315,000.00 pursuant to C.C.P. § 703.740. *Id.* The Trustee's position is that the Debtors' exemption for their interest in the Property is capped at \$189,050.00 because of the operation of 11 U.S.C. § 522(q)(1). *Id.*

11 U.S.C. § 522(q)(1) provides in relevant part:

As a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) which exceeds in the aggregate \$189,050 if—

(A) the court determines, after notice and a hearing, that the debtor has been convicted of a felony (as defined in section 3156 of title 18 [18 USCS § 3156]), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title ...

18 U.S.C. § 3156 defines "felony" as an offense punishable by a maximum term of imprisonment of more than one year." 18 U.S.C. § 1356(3). Thus, to rephrase § 522(q)(1)(A) in simpler terms, if the bankruptcy court determines, after notice and a hearing, that a debtor has been convicted of a felony and the circumstances surrounding both the felony and the filing of the petition demonstrate that the filing was an abuse of the Bankruptcy Code, then any proposed exemption for the debtor's real property is capped at \$189,050.00 in the aggregate.

It has been conclusively established in prior proceedings of this court that Mr. Ricketts was previously convicted of Penal Code Section

288(a) for acts of child molestation. Indeed, the Debtors do not argue otherwise in their responsive brief.

According to the Schedules, the Property is valued at \$97,000.00, but the exemption claimed under C.C.P. § 704.730 is \$315,000.00. Doc. #1. Oddly, while the exemption claimed greatly exceeds the § 522(q)(1) cap, the Debtors appear to value the Property at less than the cap on Schedule A/B, which raises the question of why this objection is even worthy of opposition, but here we are.

In any event, it appears that the sole issues for the court's consideration are (1) whether Mr. Rickett's felony conviction and the circumstances surrounding the filing of the petition demonstrate abuse under the totality of the circumstances and (2) whether the fact that Mrs. Ricketts has not been convicted of any felony has any bearing on the application of § 522(q)(1) to the Debtors' claimed exemption.

The primary case law relied upon by both the Trustee and the Debtors *In re Cotton*, 647 B.R. 767 (Bankr. W.D. Wash. 2022), though the Debtors understandably cite it mainly to distinguish it from the facts *sub judice*. In *Cotton*, a Chapter 7 debtor ("Mr. Cotton") who had previously been convicted of child molestation charges moved under § 522(f) to avoid the judgment lien obtained in state court by his victim ("Ms. Moore") for damages arising from the abuse. In response to Mr. Cotton's motion to avoid the lien, Ms. Moore relied on § 522(q) to argue that Mr. Cotton's allowable homestead exemption was capped at \$170,350.00.

As a threshold matter, a debtor's claimed exemption is presumptively valid, and the objecting party carries the burden of showing by a preponderance of the evidence that it is not. *Cotton*, 647 B.R. at 770. In the context of § 522(q) and the instant matter, this means that the Trustee has "the burden of establishing by a preponderance of the evidence that the prior felony conviction demonstrates that the filing of the case was an abuse of the Bankruptcy Code." *Id.* at 770-71.

Cotton further holds that, if the Trustee carries that burden and rebuts the presumption of validity, the burden shifts to the Ricketts to establish that they are entitled to more than the capped amount pursuant to the § 522(q)(2) savings clause, though that issue has not been addressed by the parties.

As *Cotton* notes, the Code does not define "abuse" for purposes of § 522(q), nor does the legislative history. *Id.* at 771. Furthermore, at the time *Cotton* was decided, there was no controlling Ninth Circuit caselaw applicable to a § 522(q) analysis, *Id.*, and there is still none today. However, *Cotton* has been joined by *In re Oliver*, which discussed § 522(q)(1)(A) in the context of a § 554(b) motion by a debtor to compel abandonment of an exempt homestead. 649 B.R. 206, 207 (Bankr. E.D. Cal. 2023). To the extent that *Oliver* is relevant here, it will be discussed *infra*.

In finding against the debtor, the *Cotton* court used a two-step analysis, first determining whether there was a nexus between the felony conviction and the filing of the bankruptcy and then considering various factors surrounding the filing of the petition to determine whether, under the totality of the circumstances, abuse was proven by the preponderance of the evidence. *Cotton*, 647 B.R. at 772-744.

A. Is there a nexus between the felony conviction and the bankruptcy?

On the first question, the *Cotton* court found that a nexus did exist. *Id.* at 772. Mr. Cotton's felony conviction arose from his sexual abuse of Ms. Moore, *Id.*, just as Mr. Rickett's conviction arose from child abuse charges. But for Mr. Cotton's felonious conduct, Ms. Moore's judgment lien against Mr. Cotton's home would not have existed. *Id.* at 773.

The Judgment entitles Ms. Moore to damages for the injuries she received as a direct result of the sexual abuse that led to Mr. Cotton's conviction. But for this exact conduct, neither Ms. Moore's Judgment nor her lien against the Real Property would exist. Thus, Debtors are attempting to use this bankruptcy case to avoid a lien that exists as a direct result of the sexual abuse that led to the felony conviction and is held by the victim of that exact abuse.

Id. Thus, the court found that the required nexus between the conviction and the bankruptcy case existed. *Id.*

The Debtors attempt to distinguish *Cotton*, noting that the case involved an objection raised by an abuse victim who had a preexisting and perfected judgment lien against Mr. Cotton, but in the case *sub judice*, the Civil Action is ongoing, and the extent of Mr. Ricketts' personal liability to C.F. is unknown. Doc. #40. However, the Debtors go on to say that they "filed this case for an important reason of seeking a determination of the impact their prior Chapter 7 case had on the pending civil lawsuit." *Id.* at page 2.

In the court's view, this is sufficient to satisfy the nexus requirement. Other mechanisms for determining the impact of the 2012 case on the Civil Action exist, such as reopening the 2012 case to seek a determination of whether and how the discharge injunction would affect the pending Civil Action. Instead, the Debtors sought such a "determination" through the filing a new case. In the context of a civil trial arising out of a prior felony conviction, this court finds that a nexus between the bankruptcy and the felony exists and "this minimum threshold has been met for application of §522(q)(1)." *Cotton*, 647 B.R. at 773.

B. The totality of the circumstances.

Upon finding that a nexus existed, the *Cotton* court further held that:

[I]n viewing the totality of the circumstances, it is important to consider all facts that exist and that are relevant to the analysis, including those suggested by Ms. Moore, as well as other nonexclusive factors such as Debtors' overall financial situation, the timing of Debtors' petition filing, and the effect of avoiding Ms. Moore's lien on her ability to recover under the Judgment.

Id. The factors specifically addressed by the *Cotton* court included:

1. Mr. Cotton's felony conviction. The court held that child molestation was a serious felony under Washington law and that his conviction resulted from the same conduct which gave rise to Ms. Moore's judgment against him. This factor favored a finding of abuse.
2. Debtor's financial situation. The court found that Mr. Cotton was unemployed, and his only asset of consequence was his equity in the property to which the judgment lien attached. Said judgment was by far the largest debt listed, which suggested that avoiding the lien was a substantial motivation for filing bankruptcy. This factor favored a finding of abuse.
3. Timing of Debtors' bankruptcy filing. The court noted that the debtors filed for bankruptcy a mere five days after the Washington homestead exemption was significantly increased to the point that Ms. Moore's lien became wholly avoidable instead of just partially avoidable. While the judge noted that "pre-bankruptcy planning does not automatically indicate an abuse of the Bankruptcy Code" sufficient to support a finding of bad faith, the court did conclude that the timing of the filing was intended to maximize the impact it would have on Ms. Moore's ability to collect on her judgment. This factor favored a finding of abuse.
4. The effect of totally avoiding Ms. Moore's judicial lien. Because the homestead was Mr. Cotton's sole asset and he was unemployed, avoiding the lien entirely would effectively allow Mr. Cotton to avoid paying any damages to his victim. This factor favored a finding of abuse.

Cotton, 647 B.R. 773-74. After consideration of those factors, the *Cotton* court found that Ms. Moore had met her burden and that, under the totality of circumstances, Cotton's use of the bankruptcy process to avoid her lien supported a finding of abuse as that term applies to § 522(q)(1) and, thus, the exemption cap applied. *Id.* at 74.

In the instant case, the Trustee's "totality of the circumstances" arguments are sparse. First, the Trustee notes the seriousness of a conviction for sexual abuse of a minor. Doc. #28.

The sexual abuse is the exact conduct for which Debtor was convicted of a felony and for which the victim filed a civil complaint against Debtor in Kern County Superior Court. Debtors lists the amount owed to C.F. on Schedule E/F as "unknown."

Id. Trustee also points to the timing of the filing of the petition as suggestive of abuse:

Debtors filed for Chapter 13 bankruptcy 35 days before the Kern County Superior Court case was set for trial. "Debtor Donald Fredrick Ricketts' attorney canceled his deposition set for September 15, 2023, that Debtor Donald Fredrick Ricketts was subpoenaed to appear at, agreeing to produce him instead on September 20, 2023. Debtor Donald Fredrick Ricketts voluntarily filed for Chapter 13 bankruptcy on September 18, 2023, two (2) days before his agreed-upon deposition date in the Kern County Superior Court case, requiring the stay of his deposition."

Id. (quoting Doc. #21 pg. 3, lines 14-18).

In response, the Debtors raise several points which the court will address in turn. First, they argue that *Cotton* is distinguishable from the case *sub judice* because, unlike Ms. Moore, C.F. does not have a judgment lien against Mr. Ricketts but merely a pending state court action, and while a default has been entered against Mr. Ricketts, the apportionment of damages has not yet occurred. However, the court notes that the Ricketts did list a debt owed to C.F. on Schedule E/F in an *Unknown* amount.

While *Cotton* may be distinguishable on those grounds, *In re Oliver* (a more recent case from the Eastern District of California) addresses that issue more clearly, albeit in the context of a debt arising from "fraud, deceit, or manipulation in a fiduciary capacity" which implicated a different provision of § 522(q). 649 B.R. at 218 (quoting § 522(q)(1)(B)(ii)). In *Oliver*, the court denied a debtor's motion for an order compelling abandonment of an exempt homestead on grounds that there were pending adversary proceedings against the debtor for fraud and fiduciary fraud which implicated § 522(q)(1)(B)(ii). *Id.* at 207. The fact that the adversaries were pending and the claims had not been proven let alone liquidated was not an impediment to finding that § 522(q) was potentially applicable, and if the adversaries later resulted in judgments against the debtor, his homestead exemption could be subject to the § 522(q) cap at any point prior to the closing of the case. *Id.*

Here, regardless of the outcome of the Civil Action, it is indisputable that Mr. Ricketts was convicted of a felony and that there is a nexus between the felony and the bankruptcy filing. Nothing in the plain language of § 522(q) requires the existence of a

liquidated damages claim associated with the predicate felony as a part of the totality of the circumstances analysis.

Second, the Debtors assert that their decision to file bankruptcy "for an important reason of seeking a determination of the impact their prior Chapter 7 case had on the pending civil lawsuit." They further assert that this court's prior order holding that the automatic stay would remain in effect as to any negligence claims brought against Mr. Ricketts in the Civil Action is evidence that the filing was not abusive.

This argument proves too much, however. As the court has already noted, the Debtors had options other than filing a new bankruptcy petition to achieve that objective. The court does not consider the fact that the automatic stay was left in place as to dischargeable negligence claims against Mr. Ricketts to rebut arguments for abuse.

Third, the Debtors argue that the motion must fail because, regardless of Mr. Ricketts' status as a felon, Mrs. Ricketts has been convicted of nothing, and so § 522(q) (1) cannot be used to limit her exemption. Doc. #40.

This argument is defeated by the Ninth Circuit's holding in *In re Talmadge*:

Where the property exempt under a particular exemption is limited to a specified maximum dollar amount, unless the exemption provision specifically provides otherwise, *the two spouses together are entitled to one exemption limited to the specified maximum dollar amount* whether one or both of the spouses are *judgment debtors* under the judgment and whether the property sought to be applied to the satisfaction of the judgment is separate or community.

832 F.2d 1120, 1123 (9th Cir. 1987) (quoting Cal. Civ. Proc. Code § 703.110) (emphasis in original). Although the quoted statutory passage refers to "judgment debtors," the *Talmadge* court interpreted it in light of the relevant legislative history to apply to all debtors who claimed a homestead exemption. *Talmadge*, 832 F.2d at 1124. See also *In re Baldwin*, 70 B.R. 612, 616-17 (B.A.P. 9th Cir. 1987).

To put it plainly, Mr. Ricketts' felony conviction triggers consideration of § 522(q) (1), which acts to replace the \$315,000.00 exemption cap set by C.C.P. § 703.740 and jointly possessed by both Debtors with the \$189,050.00 cap set by § 522(q) upon a showing of abuse under the totality of the circumstances. This is so regardless of whether Mrs. Ricketts also has a felony conviction.

Fourth, the Debtors note that, unlike *Cotton*, this case is one brought under Chapter 13 rather than Chapter 7. Doc. #40. However, they fail to articulate any reason why this should matter, as the size of the

homestead exemption is naturally relevant to the liquidation analysis regardless of whether a debtor is in Chapter 7 or 13.

Finally, the Debtors assert that "there are significant other claims necessitating Chapter 13 relief." Doc. #40. While true, this is also wholly irrelevant in the court's view.

The court is not finding that the Debtors are in bad faith. Rather, the filing is "abusive" in the context of § 522(q). And so, the exemption cap applies.

CONCLUSION

The court finds that there is a nexus between Mr. Rickett's felony conviction and the filing of this Chapter 13 proceeding that is sufficient to trigger a § 522(q) analysis. After reviewing the facts and arguments, the court further concludes that the Trustee has demonstrated by preponderance of the evidence that the filing of the instant case was an abuse of the provisions of this title (as the word "abuse" applies under § 522(q)(1)), and the Debtors have failed to put forth persuasive countervailing arguments.

Although this matter will remain on the docket, the court is inclined to SUSTAIN the *Objection*, and the Debtors' homestead exemption will be limited to \$189,050.00. The court reserves for another day any question of whether the Debtors are entitled to a higher exemption pursuant to § 522(q)(2).

12. [23-10075](#)-B-13 **IN RE: REFUJIO GUILLEN**
[RSW-8](#)

CONTINUED MOTION TO SELL
10-3-2023 [\[168\]](#)

REFUJIO GUILLEN/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn by Movant.

ORDER: The court will issue an order.

On October 3, 2023, Refugio Guillen ("Debtor" or "Movant") filed this *Motion for Authorization to Sell Debtor's Fifty Percent Interest in Real Property*. Doc. #168. On November 15, 2023, the People of the State of California ("the People") filed a *Response* opposing the instant motion on the grounds that the motion does not properly describe the property to be sold and that the Debtor accordingly has

failed to put forth evidence that the sale price is reasonable. Doc. #196.

On November 22, 2023, Debtor submitted a *Response* to the People's *Objection* which conceded the arguments raised therein. Doc. #205. Debtor further conceded that Debtor's Schedules erroneously list the address of the property at issue as 4919 Deer Creek Mill Road, but the actual address of the property is 44919 Deer Creek Mil Road. *Id.* Recognizing that this error could affect the bidding of potential buyers, Debtor stated his intention to withdraw the motion.

Accordingly, this motion is hereby WITHDRAWN.

13. [23-11281](#)-B-13 **IN RE: SARAH FLORES GARZA**
[JBC-2](#)

CONTINUED MOTION TO CONFIRM PLAN
9-28-2023 [\[44\]](#)

SARAH FLORES GARZA/MV
JAMES CANALEZ/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

On September 28, 2023, Sarah Flores Garza ("Debtor") moved for confirmation of her *Second Amended Plan*. Doc. #44. Michael H. Meyer ("Trustee") timely filed an *Opposition*. Doc. #54. On November 9, 2023, the court continued this matter to December 6, 2023, in an order which *inter alia* gave Debtor until seven (7) days prior to the hearing date in which to file an amended plan which satisfies the Trustee's objections. On November 15, 2023, Debtor timely filed her *Third Amended Plan*. Doc. #59.

Accordingly, the instant motion to confirm the Second Amended Plan is DENIED as moot.

14. [23-11981](#)-B-13 **IN RE: SHIMEKA CONWAY**
[TCS-1](#)

MOTION TO CONFIRM PLAN
10-27-2023 [\[38\]](#)

SHIMEKA CONWAY/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

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

DISPOSITION: Withdrawn by Debtor.

No order required.

On November 27, 2023, Shimeka Conway ("Debtor") withdrew her *Motion to Confirm First Modified Chapter 13 Plan* in response to the Trustee's *Objection* to same. See *Doc. #38, 46, 50*.

Accordingly, the *Motion to Confirm Plan* is WITHDRAWN.

10:00 AM

1. [23-11801](#)-B-7 **IN RE: JEFFREY/LEAH LENK**
[JMV-1](#)

MOTION TO SELL
11-15-2023 [\[16\]](#)

JEFFREY VETTER/MV
D. GARDNER/ATTY. FOR DBT.
JEFFREY VETTER/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted.

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

Chapter 7 trustee Jeffrey Vetter ("Trustee") seeks authorization to sell, subject to higher and better bids, the estate's interest in two vehicles: a 2022 Honda Pilot ("the Pilot") and a 2016 Honda Civic ("the Civic") (collectively "the Vehicles"). Doc. #16. The proposed buyers are Jeffrey and Leah Lenk, the debtors in the underlying Chapter 7 bankruptcy ("the Debtors"). *Id.* The Debtors describe the Vehicles as follows in their Schedules:

1. The Pilot has approximately 3,745 miles and has an estimated value of \$28,000.00. It is subject to an outstanding auto loan in the amount of \$22,815.00. The Debtors have not claimed an exemption for this vehicle.
2. The Civic has approximately 56,589 miles and has an estimated value of \$15,724.00. Debtors own the Civic free and clear and have exempted it up to \$7,500.00 pursuant to C.C.P § 704.060.

Doc. #1. Based on the foregoing, the Trustee calculates the equity in the Vehicles as follows:

Value of Pilot	\$28,000.00
Value of Civic	+ \$15,724.00
Exemption	- \$7,500.00
Lien on Pilot	- 22,815.00
Costs of Sale	- 2,681.80
Equity	= \$10,727.20

Doc. #16. Trustee states his belief that selling the Vehicles to Debtors for \$9,000.00, subject to higher and better bids, is in the best interest of the estate. *Id.* Trustee further avers that he is in possession of proof of insurance on both Vehicles and that he has received full payment of the \$9,000.00 from Debtors. *Id.*

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

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

11 U.S.C. § 363(b)(1) allows the trustee to "sell, or lease, other than in the ordinary course of business, property of the estate."

Proposed sales under 11 U.S.C. § 363(b) are reviewed to determine whether they are: (1) in the best interests of the estate resulting from a fair and reasonable price; (2) supported by a valid business judgment; and (3) proposed in good faith. *In re Alaska Fishing Adventure, LLC*, 594 B.R. 883, 887 (Bankr. D. Alaska 2018) citing *240 North Brand Partners v. Colony GFP Partners, Ltd. P'ship (In re 240 N. Brand Partners)*, 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996); *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991). In the context of sales of estate property under § 363, a bankruptcy court "should determine only whether the trustee's judgment was reasonable and whether a sound business justification exists supporting the sale and its terms." *Alaska Fishing Adventure, LLC*, 594 B.R. at 889 quoting 3 Collier on Bankruptcy ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.). "[T]he trustee's business judgment is to be given great judicial deference.'" *Id.* citing *In re Psychometric Sys., Inc.*, 367 B.R. 670, 674 (Bankr. D. Colo. 2007); *In re Bakalis*, 220 B.R. 525, 531-32 (Bankr. E.D.N.Y. 1998).

Sales to an insider are subject to heightened scrutiny. *Alaska Fishing Adventure, LLC*, 594 B.R. at 887 citing *Mission Product Holdings, Inc. v. Old Cold, LLC (In re Old Cold LLC)*, 558 B.R. 500, 516 (B.A.P. 1st Cir. 2016). This sale is to the Debtors. The Trustee has not indicated the existence of any proposed buyers other than Debtors, and his Declaration states that \$9,000.00 is a fair offer considering the existing equity in the Vehicles, the costs of taking possession of the Vehicles, and the risk of receiving a lesser amount at auction. Doc. #18. No commission will be paid to any party in connection with this sale. Trustee has presumably conducted due diligence and concluded the sale in the best interest of creditors and the estate.

It appears that the sale of the Vehicles is in the best interests of the estate, is offered for a reasonable price, is supported by Trustee's valid business judgment, and is proposed in good faith.

The court notes that the Pilot is encumbered by Ally Financial in the amount of \$22,815.00. Doc. #1 (*Schedule D*). The motion does not request, nor will the court authorize, the sale free and clear of any liens or interests. The Debtors (or any other purchaser) will

therefore take possession of the Vehicles subject to Ally Financial's lien.

The overbid procedures are fully outlined in the Notice accompanying the instant motion. Any party wishing to overbid must appear at the hearing and acknowledge that no warranties or representations are include with the Vehicle; it is being sold "as-is."

Unless opposition to the *Motion to Sell* is presented at the hearing, the court intends to GRANT the motion subject to higher and better bids.

2. [23-11135](#)-B-7 **IN RE: TIFFANY COOKS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
10-26-2023 [\[33\]](#)

R. BELL/ATTY. FOR DBT.

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the installment fees now due have been paid. Accordingly, the order to show cause will be VACATED.

3. [23-12281](#)-B-7 **IN RE: SARA RUIZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
11-6-2023 [\[28\]](#)

\$32.00 AMENDMENT FILING FEE PAID 11/13/23

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

DISPOSITION: The OSC will be vacated.

ORDER: The court will issue an order.

The record shows that the \$32.00 filing fee was paid on November 13, 2023. Accordingly, this order to show cause will be VACATED.

4. [23-12294](#)-B-7 **IN RE: DANIEL WELLING AND AMY EDWARDS**
[KGR-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
10-25-2023 [\[10\]](#)

THE GOLDEN 1 CREDIT UNION/MV
ASHTON DUNN/ATTY. FOR DBT.
KAREL ROCHA/ATTY. FOR MV.

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

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An Order Approving Stipulation was entered on December 5, 2023,
granting Movant, Golden 1 Credit Union, relief from the automatic
stay. Doc. #26. The motion will be DENIED AS MOOT.

11:00 AM

1. [23-12066](#)-B-13 **IN RE: DONALD/JOY RICKETTS**
[23-1038](#) [CAE-1](#)

STATUS CONFERENCE RE: COMPLAINT STATUS CONFERENCE
9-21-2023 [[1](#)]

C.F. V. RICKETTS
VICTORIA HARP/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

11:30 AM

1. [23-12008](#)-B-7 **IN RE: REBECCA MAY**

REAFFIRMATION AGREEMENT WITH USALLIANCE FEDERAL CREDIT UNION
10-24-2023 [\[16\]](#)

R. BELL/ATTY. FOR DBT.

NO RULING.

2. [23-11748](#)-B-7 **IN RE: MATHEW/JESSICA SCHWERIN**

REAFFIRMATION AGREEMENT WITH UNIVERSITY OF KENTUCKY FEDERAL
CREDIT UNION
11-13-2023 [\[17\]](#)

NEIL SCHWARTZ/ATTY. FOR DBT.

NO RULING.

3. [23-11956](#)-B-7 **IN RE: JUAN ORNELAS-GUZMAN AND MARIA ORNELAS**

REAFFIRMATION AGREEMENT WITH TD BANK, N.A.
10-5-2023 [\[15\]](#)

R. BELL/ATTY. FOR DBT.

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

DISPOSITION: Rescinded; taken off calendar.

NO ORDER REQUIRED.

Juan Ornelas-Guzman and Maria Ornelas ("Debtors") have rescinded this reaffirmation agreement with TD Bank, N.A. pursuant to 11 U.S.C. 524(c)(4) on December 1, 2023. Doc. #20. Accordingly, this matter will be taken off calendar.

4. [23-11670](#)-B-7 **IN RE: MARY SCOTT**

REAFFIRMATION AGREEMENT WITH CIG FINANCIAL, LLC
10-23-2023 [\[13\]](#)

RAJ WADHWANI/ATTY. FOR DBT.

NO RULING.